



# **CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY MEETING AGENDA**

**September 7, 2017  
6:00 PM**

***The Mission of the City of Coalinga is to provide for the preservation of the community character by delivering quality, responsive City services, in an efficient and cost-effective manner, and to develop, encourage, and promote a diversified economic base in order to ensure the future financial stability of the City for its citizens.***

**Notice is hereby given that the City Council will hold a Regular Meeting, on September 7, 2017 in the City Council Chambers, 155 West Durian Avenue, Coalinga, CA. Persons with disabilities who may need assistance should contact the Deputy City Clerk at least 24 hours prior to the meeting at 935-1533 x113. The Meeting will begin at 6:00 p.m. and the Agenda will be as follows:**

## **1. CALL TO ORDER**

1. Pledge of Allegiance
2. Changes to the Agenda

## **2. AWARDS, PRESENTATIONS, APPOINTMENTS AND PROCLAMATIONS**

1. Swearing In of Public Safety Dispatcher Fabian Saucedo

## **3. CITIZEN COMMENTS**

*This section of the agenda allows members of the public to address the City Council on any item not otherwise on the agenda. Members of the public, when recognized by the Mayor, should come forward to the lectern, identify themselves and use the microphone. Comments are normally limited to three (3) minutes. In accordance with State Open Meeting Laws, no action will be taken by the City Council this evening and all items will be referred to staff for follow up and a report.*

## **4. PUBLIC HEARINGS**

1. Introduce and Waive First Reading of Ordinance No. 804 (1) Adopting a Retail Cannabis Operation's Ordinance and Associated Zoning Text Changes; (2)

Establishment of a Commercial Retail Cannabis Overlay District; and (3) Adoption of various amendments to Section 9-5.128 of the Coalinga Planning and Zoning Code related to Commercial Cannabis Operations in accordance with the Medicinal Adult-Use Cannabis Regulation and Safety Act.

**Sean Brewer, Community Development Director**

## **5. CONSENT CALENDAR**

1. Approve MINUTES - August 3, 2017
2. Approve MINUTES - August 17, 2017
3. SLESF (COPS) Grant spending plan FY17-18
4. Declare Surplus Property at City Hall and Donate to Coalinga Neighborhood Resource Center
5. Review and Consider Approval of Ordinance No. 805 Religious Facilities (Urgency Ordinance): An Urgency Ordinance of the City Council of the City of Coalinga Amending Section 9-2.502, Table 2.9 related to Religious Facilities as permitted uses within the Public Facilities Zoning Designation in the City Pending the Adoption of a Permanent Ordinance.
6. Authorization from the City Council to proceed with an Rectangular Rapid Flashing Beacon (RRFB) Project at the intersection of Washington and California and further authorizing a budget increase of \$33,000 from Measure "C" flexible funding street funds to be added as part of the annual slurry seal project expected to begin later this year.
7. City Council Authorization for City Manager to Execute an Engineering Task Order for Design and Construction Engineering/Management Services for the Cycle 2 Active Transportation Coalinga Sidewalk Gap Closure and Pedestrian Improvement Project
8. Approval to Purchase a Vacuum Jet-Rodder Truck and attachments for Use by the Public Works Department
9. Rejection of All Bids for the Wastewater Treatment Plant (WWTP) Headworks/Clarifier Project
10. Economic Development Coordinator Monthly Report-August 2017
11. Fire Department Report - June
12. Fire Department Report - July
13. Public Works & Utilities Monthly Report for August 2017

## **6. ORDINANCE PRESENTATION, DISCUSSION AND POTENTIAL ACTION ITEMS**

1. Animal Control Report and Approval of Feral Cat Program  
**Michael Salvador, Chief of Police**
2. Introduce and Waive the First Reading of Ordinance No. 806 to allow for Minor Adjustments to the City's Development Standards.  
**Sean Brewer, Community Development Director**
3. Council Direction Regarding the Mayor's Attendance and Permission to Speak on Behalf of the Council at the State of Cannabis Conference in Long Beach on September 28th and 29th, 2017  
**Marissa Trejo, City Manager**

## **7. CITIZEN COMMENTS**

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## **8. ANNOUNCEMENTS**

1. City Manager's Announcements
2. Councilmembers' Announcements/Reports
3. Mayor's Announcements

## **9. FUTURE AGENDA ITEMS**

## **10. CLOSED SESSION (NONE)**

## **11. ADJOURNMENT**

**Closed Session:** A "Closed" or "Executive" Session of the City Council, Successor Agency, or Public Finance Authority may be held as required for items as follows: personnel matters; labor negotiations; security matters; providing instructions to real property negotiators; legal counsel regarding pending litigation; and protection of records exempt from public disclosure. Closed session will be held in the Administration Building at 155 W. Durian Avenue and any announcements or discussion will be held at the same location following Closed Session.

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE  
AUTHORITY**

**Subject:** Swearing In of Public Safety Dispatcher Fabian Saucedo  
**Meeting Date:** September 7th 2017  
**From:** Marissa Trejo, City Manager  
**Prepared by:** Michael Salvador, Chief of Police

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**I. RECOMMENDATION:**

Swearing in ceremony for former police explorer Fabian Saucedo as a police dispatcher.

**II. BACKGROUND:**

na

**III. DISCUSSION:**

na

**IV. ALTERNATIVES:**

na

**V. FISCAL IMPACT:**

na

**ATTACHMENTS:**

File Name	Description
No Attachments Available	

## STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

**Subject:** Introduce and Waive First Reading of Ordinance No. 804 (1) Adopting a Retail Cannabis Operation's Ordinance and Associated Zoning Text Changes; (2) Establishment of a Commercial Retail Cannabis Overlay District; and (3) Adoption of various amendments to Section 9-5.128 of the Coalinga Planning and Zoning Code related to Commercial Cannabis Operations in accordance with the Medicinal Adult-Use Cannabis Regulation and Safety Act.

**Meeting Date:** September 7, 2017

**From:** Marissa Trejo, City Manager

**Prepared by:** Sean Brewer, Community Development Director

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### I. RECOMMENDATION:

Staff recommends the City Council introduce and waive Ordinance No. 804 which ordains the following:

1. Adoption of the Commercial Retail Cannabis Ordinance;
2. Establishment of a Cannabis Retail Overlay District with the existing Manufacturing and Business Light Zoning Designations;
3. Adoption of various amendments to the City's existing Commercial Cannabis Operational Regulations (Section 9-5.128 and Land Use Table) as a result of the passage of Senate Bill 94 (Medicinal Adult-Use Cannabis Regulation and Safety Act).

### II. BACKGROUND:

On November 8, 2016 the Citizens of the City of Coalinga passed Measure "G" authorizing and regulating the placement of one single cannabis retail operation within the City' MBL Zoning Designations. At their February and March meetings in 2017, the City Council began discussing the location in which the single retail facility would be located and directed staff to proceed with locations near West Elm/SR198 and select parcels at the Juniper Ridge Industrial Park within the MBL Zoning Designations. With the direction from the City Council staff began working with its planning consultants on a framework in establishing a smaller zoning overlay district within the MBL zone, consistent with the boundaries established by the City Council, and develop regulations for the single retail cannabis facility as authorized by the voters. The boundaries of the retail overlay district are shown in Exhibit "A".

On November 3, 2016, the City of Coalinga adopted Ordinance No. 797, authorizing the permitting and licensing of commercial cannabis operations allowing entities to conduct cultivation, processing, extraction, manufacturing, testing, distribution, and transportation activities under Conditional Use Permits (CUP) and Regulatory Permits within areas of the City zoned MBL. Ordinance 797 prohibited retail facilities unless a voter initiative was passed by the voters. Therefore, by default retail facilities would be permitted under the existing ordinance pending the adoption of development regulations aside from the use as being permitted. The requirement of Commercial Cannabis Ordinance (CCO) to operate under a CUP, allows the City to strictly regulate such activities, and provides a means of enforcement for potential violations. Central to the CCO Ordinance is the inclusion of specific *Minimum Operational Requirements and Restrictions*, which regulate various portions of CMOs including, the registration of employees, the type of signage allowed, the

distance of CMOs from schools, as well as building construction and security standards among other regulations.

In addition to the operational permits required by the CCO Ordinance, separate Employee Permits are required for each employee which includes a full DOJ background check. Finally, the CCO Ordinance includes protocols regarding the enforcement of regulations and the denial or revocation of permits. As such, the CCO Ordinance allows CCOs to operate within the City, however, such regulations are required to operate under the strict governance and approval of the Police Chief and Community Development Department, and require to operate in such a manner as to avoid the creation of public nuisance or hazard.

Since the adoption of Ordinance No. 797, the Governor of California signed legislation (Senate Bill 94) into law that consolidates the Medical Cannabis Regulation and Safety Act (MCRSA) and the Adult Use Marijuana Act (AUMA or also known as Proposition 64) now referred to as the Medicinal Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). With the approval of Senate Bill 94, various sections of the City's CCO ordinance regulations require slight amendments to maintain uniformity with current state law.

#### Planning Commission Action

On August 22, 2017 the Planning Commission held a duly notice public hearing and approved Resolution 017P-020 recommending to the City Council adoption of Ordinance No. 804 with revisions that occurred at the meeting, which are clearly identified within the attached Ordinance.

### **III. DISCUSSION:**

#### **Retail Cannabis Ordinance Language and Retail Cannabis Overlay District**

The regulations developed for the retail cannabis operations consists of general provisions, permitting requirements, minimum operating requirements and restrictions, regulation on goods for sale and how they are displayed, on-site site security, rules on limited access areas, and a framework for deliveries. In addition to the regulations specific to retail operations, the ordinance references the City's existing commercial cannabis operations regulations (Section 9-5.128) in regards to the permitted uses, permitting processes, employee permitting, additional operational requirements as well as the process for permit revocation and suspension.

Also included in the retail cannabis facilities regulations is a reference to a Council adopted resolution identifying physical and financial security measures specifically related specific to retail cannabis facilities. The draft resolution is attached for discussion purposes and will be brought back to the City Council for formal adoption at the Council meeting where ordinance No. 804 is adopted. The ordinance language related to the Retail Cannabis Facilities regulations are located in **SECTION 4** of Ordinance No. 804.

#### Medical vs. Recreational Retail Operations

With the recent passage of Senate Bill 94 (Medicinal Adult-Use Cannabis Regulation and Safety Act), the law establishes a medical market and adult-use (recreational) market which have to operate independently as separate premises (state licenses) but each premise may be owned and operated by the same owner. In accordance with the MAUCRSA a "Premises" means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee. With this understanding, staff is requesting that the City Council determine whether the single retail cannabis facility operate as an "M"....Medicinal or an "A"....Adult Use type facility and provide direction. The way in which the ordinance has been developed

allows for either a Medicinal Facility (Type-M State License) or an Adult-Use Facility (Type-A State License) therefore, this approach could be resolved when the Council discusses the Request for Proposal (RFP) process for the single retail facility operator. Since regulations have not yet been completed due to the recent passage of Senate Bill 94 (MAUCRSA), staff will leave that decision to the City Council based on the information currently in the law as described above.

Once the Ordinance has been approved by the City Council, a request for proposal (RFP) will be advertised soliciting potential retail cannabis operators to submit proposals who will then go through the selection process identified in the RFP. The RFP is in its final stages of development and is expected to be presented to the City Council at their September 21, 2017 meeting. The result of the solicitation process will result in the issuance of a single retail cannabis permit with subsequent submission of the required conditional use permit and applicable land use entitlements.

The ***Retail Cannabis Overlay District*** creates a special zoning area within the existing MBL zone specific for permitting Cannabis Retail Facilities within the City. The two geographical areas in which the Cannabis Retail Overlay District is located is within the Manufacturing and Business Light Zoning Designation (MBL) near West Elm Avenue Southeast of Lucille and at the Juniper Ridge Industrial Park (Exhibit A). The Retail Cannabis Overlay District establishes development regulations related to retail cannabis operations such as identifying geographical boundaries, parking ratios, size limitations, and signage. The draft language for the Retail Cannabis Overlay District is located in **SECTION 1** of Draft Ordinance No. 804.

#### **Amendments to Section 9-5.128 (Commercial Cannabis Operations)**

Since the adoption of Ordinance No. 797, the Governor of California signed legislation (Senate Bill 94) into law that consolidates the Medical Cannabis Regulation and Safety Act (MCRSA) and the Adult Use Marijuana Act (AUMA or also known as Proposition 64) now referred to as the Medicinal Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). With the approval of Senate Bill 94, various sections of the City's CCO ordinance regulations require slight amendments to maintain uniformity with current state law.

There were several global changes and specific changes to Ordinance No. 797 that staff is recommending such as:

- Referring to marijuana as “cannabis” as this has been determined to be the official term.
- Changes in reference to the current law as the Medicinal Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) as the current law from its previous name as the Medical Cannabis Regulation and Safety Act (MCRSA).
- Updates to Definitions as amended by State Law.
- Renaming of license types to be consistent with the MAUCRSA.
- Removal of various prohibitions (eg. holding an ABC licenses) that are no longer prohibited under current state law.
- Updates to the grounds for denial of a regulatory permit and employee permit to be consistent with existing state law.
- Removal of revenue raising fee verbiage and now referring to the voter approved tax which is used in-lieu of the revenue rising fee. There is also an update to amend the language permitting retail facilities by default per the voter approved initiative.
- Addition of the Bond Requirement to cover costs for the destruction of cannabis or cannabis products if necessitated by a violation of the licensing requirements.
- Update to language regarding greenhouses to ensure that they in compliance with CA State Building Code. Greenhouses shall be ancillary to the primary use/permitted structure in order to be permitted as a “utility structure” thus being exempt from Title 24 (Energy Code) requirements.

SECTION 2 of Ordinance No. 804 relates to the amended version of Section 9-5.128 as well as the redlines added by the Planning Commission at the meeting on August 22, 2017. The original redlines version of Section 9-5.128 has been included as a separate attachment.

In addition to changes in SECTION 2 of ordinance No. 804 related to commercial cannabis operations, SECTION 3 reflects the changes in the land use table to identify permitted uses for each commercial cannabis land use classification and the additional development regulations associated with that use classification. This has always been in place, this action is considered a housing keeping action to reflect what is permitted in the land use table. The actions in Ordinance No. 804 do not affect permitted uses within a particular zoning designation that did not already exist in Ordinance 797. Cannabis cultivation is categorized under “crop cultivation” and all other cannabis use classifications, including Retail Facilities, are classified as “Industry, Limited”.

### **Environmental Analysis**

In accordance with the Medicinal Adult-Use Cannabis Regulation and Safety Act, the adoption of ordinances, rules, or regulations by a local jurisdiction that requires discretionary review and approval of permits, license, or other authorizations to engage in commercial cannabis activity is exempt from the California Environmental Quality Act. The ordinance that is being considered requires further discretionary approvals (conditional use permit and regulatory permit) prior to a retail facility opening therefore, it has been determined that the forgoing actions are exempt from further CEQA review in accordance with the MAUCRSA.

### **Public Notification**

In accordance with State and Local Law, public notices were posted at (3) public locations and the City's website ten (10) days prior to the Councils consideration of Ordinance No. 804.

### **Findings**

The establishment of a regulatory framework for the permitting of a single cannabis retail facility will further the desire of the community by implementing a city initiative that was passed by the residents of Coalinga in November 2017. The following findings have been met:

1. The potential effects of the proposed ordinance have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare of the City.
2. The proposed ordinance is internally consistent and compatible with the goals, policies, and actions of the General Plan.
3. The proposed ordinance has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.
4. The proposed Ordinance would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
5. The proposed Ordinance is consistent and compatible with the goals, policies, and actions of the General Plan, and the other applicable provisions of the Zoning Ordinance.

## **IV. ALTERNATIVES:**

Do not introduce and waive the first reading of Ordinance No. 804.

## **V. FISCAL IMPACT:**

The anticipated fiscal impact to the City is expected to be substantial as the approval of a retail cannabis

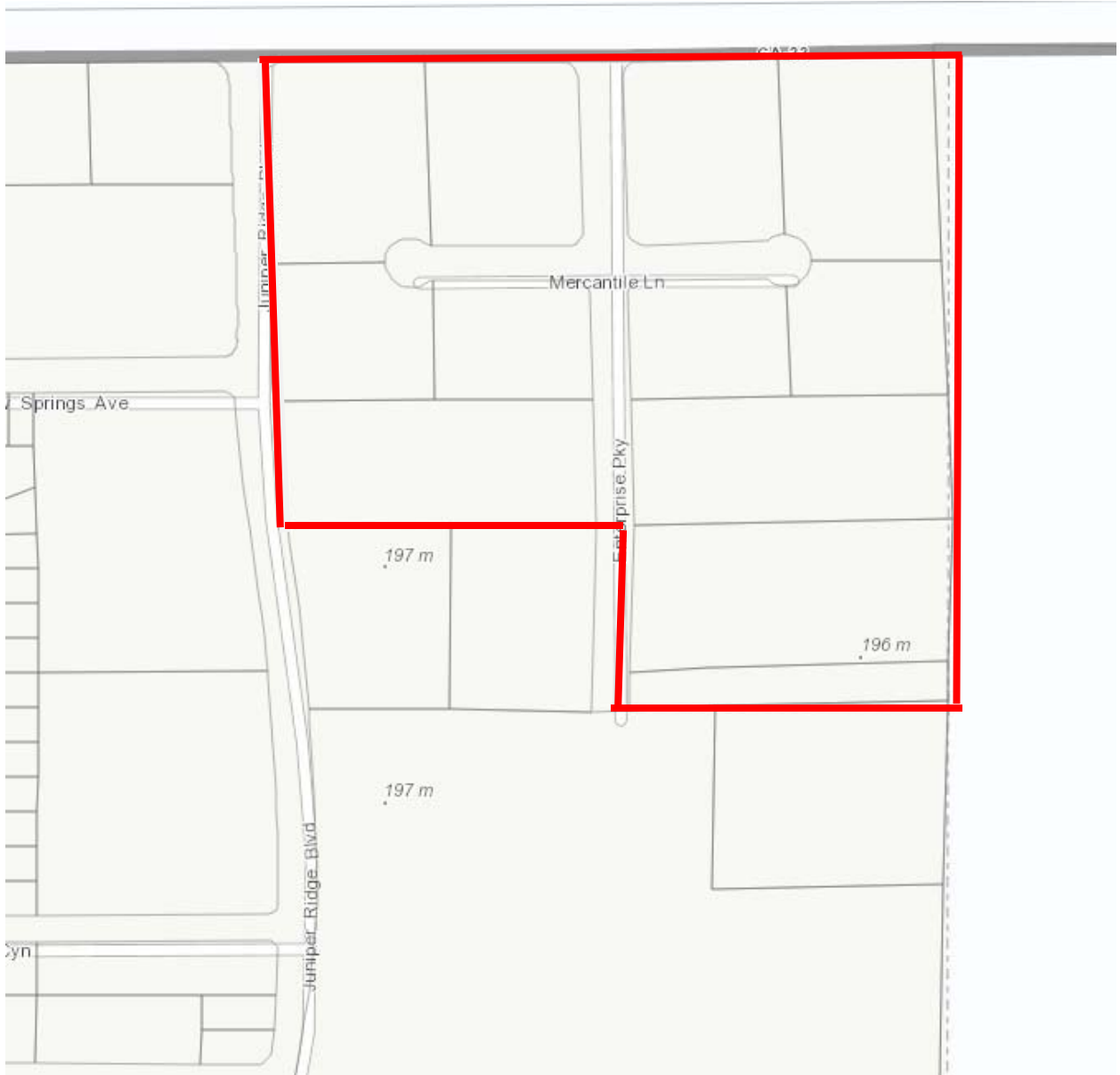


ordinance would generate revenue from application fees, annual licensing fees, business license taxes, the retail cannabis gross receipts tax (10%), building permit fees, and property taxes.

**ATTACHMENTS:**

<b>File Name</b>	<b>Description</b>
❏ Cannabis_Retail_Exhibit_A.pdf	Cannabis Retail Overlay Exhibit
❏ Cannabis_Retail_Facility_Security_DRAFT_Resolution.docx	Cannabis Retail Security - Draft Resolution
❏ Ordinance_No._804_-_Cannabis_Retail_(PC_Meeting_Updated_8-23-2017).docx	Cannabis Retail Ordinance No. 804
❏ Ordinance_No._797_Strike_Through_Edits.pdf	Ordinance No. 797 (Section 9-5.128) Original Strikethroughs

## RETAIL CANNABIS OVERLAY (JUNIPER RIDGE INDUSTRIAL PARK)



## RETAIL CANNABIS OVERLAY (WEST ELM)



## **RESOLUTION NO. 3784**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COALINGA SETTING SECURITY REQUIREMENTS FOR RETAIL CANNABIS LOCATIONS WITHIN THE CITY LIMITS OF THE CITY OF COALINGA**

#### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COALINGA AS FOLLOWS:**

**WHEREAS**, the City Council has passed Ordinance 804 which authorizes Council to establish retail cannabis physical and financial security measures by resolution; and

**WHEREAS**, the City Council has determined that physical and financial security of retail cannabis locations is an ongoing concern and improved security features and measures may be developed over time; and

**WHEREAS**, it is desirable such physical and financial security features be as current as possible and upon the recommendation of staff, including the Chief of Police, the Council does adopt by resolution the following requirements, subject to change from time to time;

#### **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COALINGA:**

The following requirements shall be imposed on any retail cannabis operation or property located within the City, in addition to any requirements imposed by the State of California by law or regulation:

##### **Physical Security**

1. Camera Systems (360 degree perimeter and interior point of service) with a minimum 3 megapixel resolution.
2. Alarm systems (both perimeter and panic).
3. Lighting systems for perimeter after-hours security minimum 1.5 candlepower as shown by a photometric plan.
4. All security systems at the site are attached to an uninterruptable power supply that provide 24 hour of power.
5. Law enforcement shall have access to all Security Systems via IP.
6. Windows may not allow for view inside the Cannabis Retail Facility.
7. Double vestibule layout to control access to the retail space.
8. No cannabis products may be available to purchaser without staff assistance.
9. Building hardening measures to prevent vehicular building penetration. This shall be at the discretion of the Police Chief.
10. Attached vaults or safes shall be used to protect product and secure cash.

**Financial Security**

1. Point of sale systems, approved by the Police Chief, are required to account for transactions.
2. Cash must be counted and verified at the end of every shift.
3. Accounting software systems must to be in place to provide audit trails of cash, medical recommendations, and all products.
4. The City shall conduct financial and retail audits, at a minimum, on a quarterly basis.
5. Random spot checks of cash and product inventories are to be conducted by the licensing authority.
6. State of the art network security protocols and equipment need to be in place to protect computer information.

Failure to comply with the above requirements, or any amendments, will result in revocation of the retail cannabis regulatory permit and conditional use permit to operate.

Passed and adopted on the 21<sup>st</sup> day of September 2017 by the following vote.

AYES:

NOES:

ABSENT:

ABSTAINED:

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Mayor

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City Clerk / Deputy City Clerk

## **ORDINANCE NO. 804**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA: (1) ADDING ARTICLE 7 TO TITLE 9, CHAPTER 3 TO THE COALINGA MUNICIPAL CODE TO ESTABLISH A CANNABIS RETAIL OVERLAY DISTRICT; (2) AMENDING SECTION 128 TO TITLE 9, CHAPTER 5 TO THE COALINGA DEVELOPMENT CODE PERTAINING TO THE STANDARDS FOR COMMERCIAL CANNABIS OPERATION IN THE CITY; (3) AMENDING TABLE 2.7 OF TITLE 9, CHAPTER 2, ARTICLE 4 PERTAINING TO LAND USES PERMITTED FOR COMMERCIAL CANNABIS OPERATIONS; AND (4) AMENDING TITLE 9, CHAPTER 5, ARTICLE 1 OF THE CITY'S DEVELOPMENT CODE TO ADD A NEW SECTION 9-5.129 PERTAINING TO THE STANDARDS FOR CANNABIS RETAIL OPERATIONS.

BE IT ORDAINED BY THE COUNCIL AND THE PEOPLE OF THE CITY OF COALINGA:

### **SECTION 1. – ADOPTION SECTION 9-3.701 – SECTION 9-3.706**

Coalinga Municipal Code Title 9, Chapter 3, is hereby amended by the addition of a new Article to read as follows:

#### **Article 7. – Cannabis Retail Overlay District**

##### **Sec. 9-3.701. - Purpose.**

The specific purpose of the Cannabis Retail Overlay District is to:

(a) Adopt local regulations applicable to commercial cannabis operations as may be permitted under the California Control, Regulate and Tax Adult use of Marijuana Act (AUMA), passed in 2016, and the California Medicinal Adult Use Cannabis Regulation and Safety Act (MAUCRSA), signed into law on June 27, 2017, with legislative bill SB94.

(b) Clearly indicate the areas of the City designated for cannabis retail facilities and regulate cannabis retail facilities to ensure safe operation of, and mitigate potential impacts cannabis retail operations may have on surrounding properties and persons.

##### **Sec. 9-3.702. - Definitions.**

Except as set forth herein, or where a different meaning is clearly intended by the language, the definitions set forth in the AUMA and MAUCRSA shall apply to interpretations under this article. In addition, the terms herein shall be defined by 9-5.128 and 9-5.129.

##### **Sec. 9-3.703. – Applicability**

(a) *District Boundaries.* The Boundaries of the Cannabis Retail Overlay District are prescribed as identified on the General Plan Land Use Map.

(a) *Permitted Uses.* A Retail Cannabis Facility, as defined by Sec. 9-3.702 of this article, shall only occur in the Retail Cannabis Overlay District and is not permitted elsewhere in the City. Only one such Cannabis Retail Facility shall be allowed in the Cannabis Retail Overlay District.

(b) *Approvals.* All proposed projects require approval per the provisions of Chapter 6, Code Administration, of this title, as well as a development permit approved by the State, consistent with all requirements of AUMA and MAUCRSA regulations, and the applicable level of environmental review, depending on project scope.

Sec. 9-3.704. - Prohibited uses.

No development is permitted in the Retail Cannabis Retail Overlay District, except for uses compatible with manufacturing/business districts activities listed in Sec. 9-2.402 of this Code.

Sec. 9-3.705. - Development Standards.

In addition to the base zoning district (manufacturing/business) development regulations prescribed in Sec. 9-2403 and Sec. 9-2404 of this Code, a commercial cannabis retail operation shall meet the following development standards:

(a) *Parking.* Off-street parking shall be provided as required for food and beverage retail sales under Sec. 9-4.302 of this Code. All required parking shall be off-street and on-site.

(b) *Cannabis Retail Facility Size.* The Cannabis Retail Facility size shall not exceed 10,000 square feet.

(c) *Signage.* One attached sign not to exceed twelve (12) square feet in area or 20 percent of the window area of the retail facility, whichever is less, is permitted. A detached sign is not permitted.

(1) All retail facilities shall display on their wall sign or identification sign, the name and emergency contact phone number of the operator or manager in letters at least two inches in height.

(2) Retail Facilities shall post a legible indoor sign in a conspicuous location containing the following warnings:

a. That the use of cannabis is for persons at least twenty-one (21) years of age, or an age younger as prescribed by law. ;

b. That the use of cannabis may impair a person's ability to drive a motor vehicle or operate machinery; and

c. That loitering on and around the Retail Cannabis Facility site is prohibited by California Penal Code Section 647(e).

Sec. 9-3.706. – Cannabis Retail Permits.

(a) *Commercial cannabis regulatory permit.* No person or entity shall operate a commercial cannabis retail facility within the City of Coalinga without first obtaining a commercial cannabis regulatory permit from the City in accordance with Section 9-5.129 and 9-5.128 of the City of Coalinga Municipal Code. The regulatory permit shall be site specific and shall specifically identify the commercial cannabis activity that will be allowed at that site. No commercial cannabis activity will be allowed unless specifically identified in the regulatory permit.

(b) *Conditional use permit.* Prior to, or concurrently with, applying for a regulatory permit, the applicant shall process a conditional use permit as required by the City's Land Use Regulations. Information that may be duplicative in the two (2) applications can be incorporated by reference. The conditional use permit shall run with the regulatory permit and not the land.

(1) *Findings.* In addition to the findings required in Sec. 9-6.504 of this Code, approval of a conditional use permit for a commercial cannabis retail facility shall require the following findings:

a. That the requested use at the proposed location will not adversely affect the economic welfare of the nearby community;

b. That the requested use at the proposed location will not adversely affect the use of any property used for a school, playground, park, youth facility, child care facility, place of religious worship, or library as prescribed by local or state law;

c. That the requested use at the proposed location is sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area; and

d. That the exterior appearance of the structure will be consistent with the exterior appearance of structures already constructed or under construction within the immediate neighborhood, so as to prevent blight or deterioration, or substantial diminishment or impairment of property values within the neighborhood.



## SECTION 2 - ADOPTION SECTION 9-5.128

Further, Coalinga Municipal Code Title 9, Chapter 5, is hereby amended to read as follows:

Sec. 9-5.128. - Cannabis cultivation, manufacturing, testing, transportation and distribution.

- (a) *Purpose.* The purpose of this section is to adopt local regulations applicable to commercial cannabis operations as may be permitted under the California Medicinal and Adult-Use Cannabis Regulation and Safety Act (SB 94), approved by the Governor on June 27, 2017 or subsequently enacted State law pertaining to the same.
- (b) *Definitions.* Except as set forth herein, or where a different meaning is clearly intended by the language, the definitions set forth in the Act shall apply to interpretations under this section.

*Act* means the Medicinal and Adult-Use Cannabis Regulation and Safety Act or a subsequent cannabis related law adopted by the State.

*Applicant* means a person who is required to file an application for a permit under this section.

*Business owner* means the owner(s) of the cannabis operations. For corporations and limited liability companies, business owner means the President, Vice President, and any shareholder owning a twenty-percent or greater share of the corporation or company. For partnerships, business owner means all general partners and managing partners.

*Cannabis* shall have the meaning set forth in California Business and Professions Code section 19300.5(f).

*City* means the City of Coalinga.

*Commercial cannabis operation* means any commercial cannabis activity allowed under the Act and the implementing regulations, as the Act and the implementing regulations may be amended from time to time, and all uses permitted under any subsequently enacted State law pertaining to the.

*Commercial cannabis regulatory permit* or *regulatory permit* means the permit required under this section to have a commercial cannabis operation, and any prior permit granted by the City under Urgency Ordinance No. 791 pursuant to the registration process.

*Employee permit* means the permit required under this section for every employee or independent contractor working at a commercial cannabis operation or involved in transportation/delivery related services for a commercial cannabis operation.

*Non-commercial and recreational cannabis activity* means all uses not included within the definition of commercial cannabis operation, including the personal use, cultivation, or consumption of cannabis, whether medical or recreational.

*Operator* means the business owner and any other person designated by the business owner as responsible for the day to day cannabis operations.

*Ordinance* means the ordinance adopting this section, and including the terms of this section, which may be commonly referred to as the City's "Commercial Cannabis Ordinance".

*Police Chief* means the Police Chief of the City of Coalinga or his or her designee.

*Premises or site* means the actual building(s), and/or designated units/suites, as well as any accessory structures, parking areas, or other immediate surroundings, and includes the entire parcel of property used by the business owner in connection with the cannabis operations.

*Premises owner* means the fee owner(s) of the premises where cannabis operations are occurring.

*Responsible party* shall mean the business owner, operator, manager(s), and any employee having significant control over the cannabis operations.

(c) *Permitted uses and zoning.* Business owners meeting the requirements of this section shall be allowed to conduct the following commercial cannabis operations in the MBL - Light Manufacturing/Business zone district of the City:

Indoor Cultivation (Up to 5,000 S/F Canopy)

Indoor Cultivation (5,001 - 10,000 S/F Canopy)

Indoor Cultivation (10,001 - 22,000 S/F Canopy)

Manufacturing (nonvolatile)

Manufacturing (volatile)

Testing Laboratory

Distributor

Nursery

Microbusiness

Retailer (See Section 9-5.129)

The commercial cannabis operation shall at all times be in compliance with this section as it may be amended from time to time or repealed and replaced by another section governing the commercial cannabis operation.

(d) *Minimum operational requirements and restrictions.* The following operational requirements and restrictions shall apply to all commercial cannabis operations:

- (1) *The Act and other state laws.* The cannabis operations shall at all times be in compliance with the Act and the implementing regulations, as they may be amended from time to time, as well as all required State license(s) under the Act, and any other applicable State law. The operator shall obtain required licenses under the Act prior to opening for business, or if the State is not ready to issue licenses under the Act prior to the time of opening, within twelve (12) months of the State being ready to issue the required license(s). Provided, however, that the operator shall at all times be in compliance with all other requirements of the Act and implementing regulations, and any other applicable State law, regardless of the timing of the issuance of a license under the Act.
- (2) *Register of employees.* The operator shall maintain a current register of the names of persons required to have employee permits. The register shall be available to the Police Chief at all times immediately upon request.
- (3) *Signage.* There shall be no signage or markings on the premises, or off-site, which in any way evidences that cannabis operations are occurring on the property. Interior building signage is permissible provided the signage is not visible outside of the building.
- (4) *Cannabis consumption.* No cannabis shall be smoked, ingested or otherwise consumed on the premises. Adequate signage of this prohibition shall be displayed throughout the facility.
- (5) *Distribution.* There shall be no deliveries from the premises of cannabis or cannabis containing products except to another State or local licensed or permitted cannabis business holding a distributor license.
- (6) *Non-commercial cannabis activity.* No non-commercial or recreational cannabis activity shall occur on the premises.
- (7) *Retail sales.* The retail sale of cannabis is permitted in accordance with Section 9-5.129.
- (8) *Public access.* There shall be no public access to the premises.
- (9) *Minors.* It shall be unlawful for any operator to employ any person who is not at least twenty one (21) years of age, or any older age if set by the State.
- (10) *Distance separation from schools.* Cannabis operations shall comply with the distance separation requirements from schools as required by State law. In addition, a commercial cannabis operation shall not be located within 1,800 feet from any existing school or proposed school site as identified in the General Plan. Measurements shall be from property boundary to property boundary. For purposes of this section, school means any public or private school providing instruction in kindergarten or grades 1-12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

- (11) *Hours of operation.* Commercial cannabis operations shall be allowed to operate per the requirements of the underlying zone district and subject to the City's noise and nuisance ordinances.
- (12) *Building and related codes.* The cannabis operation shall be subject to the following requirements:
- a. The premises in which the cannabis operations occur shall comply with all applicable local, state and federal laws, rules, and regulations including, but not limited to, building codes and the Americans with Disabilities Act, as certified by the Building Official of the City. The operator shall obtain all required building permits and comply with all applicable City standards.
  - b. The responsible party shall ensure that the premises has sufficient electrical load for the cannabis operations.
  - c. Butane and other flammable materials are permitted to be used for extraction and processing provided the operator complies with all applicable fire and building codes, and any other laws and regulations relating to the use of those products, to ensure the safety of that operation. The Coalinga Fire Department shall inspect and approve the premises for use of the products prior to City's issuance of a certificate of occupancy, or otherwise prior to opening for business, to ensure compliance with this requirement.
  - d. The operator shall comply with all laws and regulations pertaining to use of commercial kitchen facilities for the cannabis operations.
  - e. The operator shall comply with all environmental laws and regulations pertaining to the cannabis operations, including the use and disposal of water and pesticides, and shall otherwise use best practices to avoid environmental harm.
- (13) *Odor control.* Cannabis operations shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the facility that is distinctive to its operation is not detected outside the premises, outside the building housing of the cannabis operations, or anywhere on adjacent property or public rights-of-way. As such, cannabis operations must install and maintain the following equipment or any other equipment which the City's Building Official and Police Chief determines has the same or better effectiveness, if a smell extends beyond a property line:
- a. An exhaust air filtration system with odor control that prevents internal odors and pollen from being emitted externally; or
  - b. An air system that creates negative air pressure between the cannabis facility's interior and exterior so that the odors generated inside the cannabis facility are not detectable outside the cannabis facility.
- (14) *Consumable products.* Cannabis operations that manufacture products in the form of food or other comestibles shall obtain and maintain the appropriate

approvals from the appropriate State and Local Agencies for the provision of food or other comestibles, unless otherwise governed by the Act and licensed by the State.

- (15) *Secure building.* All cannabis operations shall occur entirely inside of a building that shall be secure, locked, and fully enclosed, with a ceiling, roof or top.
- a. The building shall include a burglar alarm monitored by an alarm company or private security company.
  - b. The primary building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for industrial structures (including, without limitation, commercial greenhouse structures), and include material strong enough to prevent entry except through an open door. The roof may be of solid translucent material provided other security measures exist to ensure that the cannabis operation cannot be seen, heard or smelled beyond the property line.
  - c. Greenhouses shall be considered ancillary to the primary use/structure and constructed in accordance with the California Building Code related to utility structures. Greenhouses shall be secured in way, as approved by the Police Chief, to prevent vehicle intrusion.
  - d. The precise building construction and material to be used shall be identified and provided to the City prior to construction and provided with the application.
- (16) *Premises security.* The following security conditions shall apply:
- a. Alarm system (both perimeter, fire and panic).
  - b. Remote monitoring of alarm systems.
  - c. Perimeter lighting systems (motion sensor) for after-hours security.
  - d. Perimeter security and lighting as approved by the Police Chief and Community Development Director.
  - e. Use of drive gates with card key access or similar to access the facility.
  - f. Entrance areas to be locked at all times areas, and under the control of a designated responsible party.
  - g. Use of access control systems to limit access to cannabis related areas.
  - h. Exterior and interior camera systems approved by the Police Chief. The camera systems shall meet the minimum requirements of the Act, include interior monitoring of all access points of the site from the interior, and be of a minimum resolution in order to read license plates and facial recognition from al exterior and interior locations.

- i. All security systems at the site are attached to an uninterruptable power supply that provides twenty-four (24) hours of power.
- j. Twenty-four-hour security patrols by a recognized security company licensed by the California Department of Consumer Affairs or otherwise acceptable to the Police Chief.
- k. All current contact information regarding the security company shall be provided to the Police Chief.
- l. Coalinga Police Department or department designee shall have access to all security systems.
- m. Subject to the provisions below regarding the use and handling of confidential information, IP access for remote monitoring of security cameras by the Coalinga Police Department or Department designee.
- n. Subject to the provisions below regarding the use and handling of confidential information, any and all video or audio tape recordings made for security or other purposes shall be marked with the date and time made and shall be kept, in an unaltered state, for a period of thirty (30) days and must be made available to the Coalinga Police Department or Department designee for duplication upon demand. In addition, upon request by the Coalinga Police Department the Responsible Party shall duplicate the records for the Coalinga Police Department or Department designee.
- o. Hardened bullet resistant windows, or an alternative method of protection such as safety and security window film, approved by the Police Chief, for exterior windows as part of any new or existing construction.
- p. Accounting software systems need to be in place to provide audit trails of both product and cash, where applicable.
- q. Electronic track and trace systems for cannabis products as approved by the Police Chief.
- r. Premises may be inspected and records of the business owner audited by the City for compliance at any time.
- s. State of the art network security protocols and equipment need to be in place to protect computer information.
- t. The foregoing requirements shall be approved by the Police Chief prior to commencing operations. The Police Chief may supplement these security requirements once operations begin, subject to review by the City Council if requested by the business owner.

### *Confidentiality Statement*

The City, Police Chief, Police Department employees, and any other law enforcement official acting under the direction of the Police Chief who access the premises and video and/or audio feeds or recordings of the premises ("recipients") may receive or be provided with confidential information relating to the cannabis operations, which may include the

following: data, records, plans, and matters relating to customers, vendors, tenants, agreements, and business records (collectively "confidential information").

To the extent confidential information is acquired without a warrant from access to the premises and video and/or audio feeds or recordings as authorized under this section, the recipients shall, to the maximum extent possible, keep such confidential information confidential and not disclose the confidential information to any third parties. Provided, however, that the recipients may disclose confidential information to the State or Federal courts in California in connection with any criminal law enforcement action against the business owner or operator, (including its employees, contractors and agents conducting business within the premises) arising from or related to the cannabis operations, but only to the extent it is necessary and relevant to such criminal prosecution, and the recipients shall file any such documents under seal to the extent they contain any confidential information.

Notwithstanding the foregoing, the City may disclose confidential information:

- 1.As may be required by the California Public Records Act or pursuant to a civil subpoena, provided however, the City shall notify the operator and provide the operator with a reasonable opportunity to obtain a protective order before disclosing the confidential information.
  - 2.In connection with any City enforcement proceeding relating to compliance with City's Municipal Code and this section, but only to the extent the confidential information is relevant to the proceeding.
- (17) *Deliveries of supplies and transportation of product.* The transportation of cannabis and cannabis products shall only be conducted by persons holding a State distributor license or employees of those persons and shall follow all the regulations and safety standards established by the Bureau of Cannabis Control.
  - (18) *Premises maintenance.* The business owner, operator, and all responsible parties shall continually maintain the premises and its infrastructure so that it is visually attractive and not dangerous to the health, safety and general welfare of employees, patrons, surrounding properties, and the general public. The premises or commercial cannabis operation shall not be maintained in a manner that causes a public or private nuisance.
  - (19) *Location of uses.* The commercial cannabis operation permitted by this section shall only be allowed in the locations designated on the diagram and floor plan of the premises submitted with the application for a regulatory permit. The commercial cannabis operation shall not operate at any place other than the address of the cannabis operation stated in the regulatory permit.
- (e) *Commercial cannabis regulatory permit.* No person or entity shall operate a commercial cannabis operation within the City of Coalinga without first obtaining a commercial cannabis regulatory permit from the City. The regulatory permit shall be site specific and shall specifically identify the commercial cannabis activity that will be

allowed at that site. No commercial cannabis activity will be allowed unless specifically identified in the regulatory permit.

(f) *Conditional use permit.* Prior to, or concurrently with, applying for a regulatory permit, the applicant shall process a conditional use permit as required by the City's Land Use Regulations. Information that may be duplicative in the two (2) applications can be incorporated by reference. The conditional use permit shall run with the regulatory permit and not the land.

(g) *Applications for regulatory permits and responsible party designation.*

(1) *Application.* Applications for regulatory permits shall be filed by the proposed business owner(s) with the Police Chief and include the information set forth herein. The Police Chief may request such information he or she deems necessary to determine who the applicant is. The applicant shall certify under penalty of perjury that all of the information contained in the application is true and correct. The application shall contain the following items for the business owner, operator and all responsible parties known at the time (if different than the business owner), and any other party designated below, to the extent the same shall apply:

- a. The full name, present address, and telephone number, including such information to the premises owner.
- b. Date of birth.
- c. Tax identification number.
- d. The address to which notices relating to the application is to be mailed.
- e. Previous addresses for the five (5) years immediately preceding the present.
- f. The height, weight, color of eyes and hair.
- g. Photographs for identification purposes (photographs shall be taken by the Police Department).
- h. All business, occupation, or employment for the five (5) years immediately preceding the date of submittal of the application form.
- i. The cannabis operation business history, including whether the business owner and responsible parties while previously operating in this or another city, county or state has had a cannabis related license revoked or suspended, the reason therefore, and the business or activity or occupation subsequent to such action of suspension or revocation.
- j. Complete property ownership and lease details, where applicable. If the business owner is not the premises owner, the application form must be accompanied with a notarized acknowledgment from the premises owner that cannabis operations will occur on its property.



- k. A descriptive business plan for the cannabis operation, including a detailed list of all cannabis operations proposed to occur on the premises.
  - l. A diagram and floor plan of the entire premises, denoting all the use of areas proposed for cannabis operations, including, but not necessarily limited to, cultivation, processing, manufacturing, testing, transportation, deliveries, and storage. The diagram and floor plan need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
  - m. The name or names of the operator. The operator shall designate one or more responsible parties, one of which shall at all times be available as a point of contact for the City, 24 hours per day. The contact information and schedule of the operator and responsible parties shall be provided to the Police Chief and updated within twenty-four (24) hours of any changes.
  - n. The proposed security arrangements for insuring the safety of persons and to protect the premises from theft.
  - o. An accurate straight-line drawing prepared within thirty (30) days prior to the application depicting the building and the portion thereof to be occupied by the cannabis operation and the property line of any school as set forth in the operational requirements.
  - p. A descriptive operations plan for the cannabis operation that shall include, but not be limited to, standard operating procedures, training program, number of employees, inventory procedures, waste management plan, quality control procedures, pest management, estimated water use, and equipment storage.
  - q. Authorization for the City, its agents and employees to seek verification of the information submitted.
- (2) *Improper or incomplete application.* If the applicant has completed the application improperly, or if the application is incomplete, the Police Chief shall, within thirty (30) days of receipt of the original application, notify the applicant of such fact.
- (3) *Changes in information.* Except as may otherwise be provided, the information provided in this subsection shall be updated to the Police Chief upon any change within ten (10) days.
- (4) *Other permits or licenses.* The fact that an applicant possesses other types of State or City permits or licenses does not exempt the applicant from the requirement of obtaining a regulatory permit.

(h) *Employee permits.*

- (1) *Permit required.* Every employee or independent contractor working at a commercial cannabis operation shall obtain an employee permit. It shall be the duty of the operator to ensure that employee permits are obtained from the Police

Department prior to the employee or independent contractor commencing work. Persons who are listed as a business owner on a regulatory permit shall not be required to obtain an employee permit if such person also serves as an employee or contractor. All responsible parties, except the business owner, shall be required to obtain an employee permit.

(2) *Application.* Each employee and independent contractor shall be required to provide the following information under penalty of perjury, so that the Police Department can perform a background check:

- a. Name, current resident address, and telephone number.
- b. Date of birth.
- c. Tax identification number.
- d. Height, weight, color of eyes, and hair.
- e. Photographs for identification purposes (photographs shall be taken by the Police Department).
- f. Be fingerprinted by the Police Department.
- g. Such other identification and information as deemed necessary by the Police Chief and pertinent to the employee permit.
- h. Authorization for the City, its agents and employees to seek verification of the information contained within the application.
- i. The name of the business owner holding the regulatory permit and the operator for which such person is proposed to work.

(i) *Application fees.* Every application for a regulatory permit and employee permit shall be accompanied by a nonrefundable fee, as established by resolution of City Council. This fee shall be in addition to any other business license fee or permit fee imposed by this Code or other governmental agencies. The fee shall include an amount to cover the costs of fingerprinting, photographing, background checks as well as general review and processing of the application.

(j) *Investigation and action on application.*

- (1) Upon the filing of a properly completed application and the payment of the fee, the police chief shall conduct an investigation of the application, including a background check of the applicant and all employees and independent contractors. All applicants for a regulatory permit and employee permit shall be required to submit to a fingerprint-based criminal history records check conducted by the Coalinga Police Department.
- (2) For regulatory permits, after the background checks and investigation are complete, the Police Chief shall issue a recommendation that the City Council approve or deny a regulatory permit in accordance with the provisions of this section. The recommendation for approval shall include conditions the Police Chief deems reasonable under the circumstances to protect the public health, safety, and welfare of the community. The recommendation shall be forwarded

to the City Council for action following any required noticing and public hearings, and may be processed concurrently with any other entitlements necessary for the cannabis operation.

- (3) For employee permits, after the background checks and investigation are complete, the Police Chief shall either approve or deny an employee permit. At the discretion of the Police Chief, employee permits may be conditionally approved pending the background investigation.

(k) *Term of permits and renewals.* Regulatory permits issued under this chapter shall expire one year following the date of issuance. Applications for renewal shall be made at least forty-five (45) days prior to the expiration date of the permit and shall be accompanied by the nonrefundable fee referenced in this section. When made less than forty-five (45) days before the expiration date, the expiration of the permit will not be stayed. Applications for renewal shall be acted on similar to applications for permits except that the Police Chief shall renew annual permits for additional one year periods if the circumstances and information provided with the initial application have not materially changed.

(l) *Grounds for denial of regulatory permit.* The grounds for denial of a regulatory permit shall be one or more of the following:

- (1) The business or conduct of the business at a particular location is prohibited by any local or State law, statute, rule or regulation.
- (2) The business owner or operator has been issued a local or state permit related to cannabis operations at any other location in California, or another state, and that permit was suspended or revoked, or the business owner or operator has had disciplinary action relating to the permit.
- (3) The business owner or operator has knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application.
- (4) Consistent with the Act or other applicable State law, the business or its owners or operators, or any responsible person, has been ineligible for a license under the Acts requirements.
- (5) Consistent with the Act or other applicable State law, the business owner or operator has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
- (6) The business owner or operator is under twenty-one (21) years of age, or any older other age set by the State.
- (7) The cannabis operation does not comply with the zoning ordinance standards of the City of Coalinga or the development standards set forth in this title.
- (8) The required annual business license fee, annual regulatory fee or revenue raising fee has not been paid.

(m) *Grounds for denial of employee permit.* The grounds for denial of an employee permit shall be one or more of the following:

- (1) The applicant has been issued a local or state permit related to cannabis operations at any other location in California, or another state, and that permit was suspended or revoked, or the applicant has had disciplinary action relating to the permit.
  - (2) The employee is ineligible for employment under the requirements of the Act.
  - (3) Consistent with the Act or other applicable State law, the applicant has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
  - (4) The applicant has committed any act, which, if done by a permittee, would be grounds for suspension or revocation of a permit.
  - (5) An applicant is under twenty-one (21) years of age, or any older age set by the State.
- (n) *Notice of decision and final action.*

(1) *Regulatory permit.* Action on the regulatory Permit shall be as follows:

- a. The Police Chief shall cause a written notice of his or her recommendation on the issuance or denial of a regulatory permit, and the date and time when the City Council will consider action on the regulatory permit, to be personally delivered or mailed to the applicant by certified U.S. mail, postage prepaid.
- b. Following a public hearing before the City Council, the Council may grant the regulatory permit subject to such conditions as it deems reasonable under the circumstances to protect the public health, safety, and welfare of the community, or it may deny the issuance of the regulatory permit for any of the grounds specified in this section. The decision of the Council shall be final, subject to judicial review below.

(1) *Employee permit.* Action on the employee permit shall be as follows:

- a. The Police Chief shall cause a written notice of his or her determination on the issuance or denial of an employee permit to be personally delivered or mailed to the applicant by certified U.S. mail, postage prepaid. The Police Chiefs decision on an employee permit shall be final, subject to judicial review.

(o) *Suspension and revocation of regulatory permit or employee permit.*

(1) *Regulatory permit.* The City Council may suspend or revoke the regulatory permit of a commercial cannabis operation when any of the following occur:

- a. The cannabis operation is conducted in violation of any provision of this section, the Act, or any other applicable state law.
- b. The cannabis operation is conducted in such a manner as to create a public or private nuisance.
- c. A failure to pay the regulatory fee or revenue raising fee required by this section.

- d. A failure to take reasonable measures to control patron conduct, where applicable, resulting in disturbances, vandalism, or crowd control problems occurring inside of or outside the premises, traffic control problems, or obstruction of the operation of another business.
  - e. A failure to comply with the terms and conditions of the regulatory permit or any conditional use permit issued in connection therewith.
  - f. Any act which would be considered grounds for denial of the regulatory permit in the first instance.
  - g. Failure to reasonably comply with the recommendations and action items identified on the City's monitoring and compliance reports.
- (2) *Employee permit.* The Police Chief may suspend or revoke an employee permit when the permittee or the employee has committed any one or more of the following acts:
- a. Any act which would be considered a ground for denial of the permit in the first instance.
  - b. Violates any provision of this section, the Act, or any other applicable law relating to the cannabis operation.
  - c. Violates or fails to comply with the terms and conditions of the employee permit.
- (3) *Procedures for revoking regulatory permits.* For regulatory permits, the procedures for revoking conditional use permits shall be utilized except that the matter shall be heard by the City Council in the first instance, and shall be subject to the same judicial process as applied to a conditional use permit. (See, Coalinga Municipal Code Section 9-6.114, Effective dates, expiration, extensions, modifications, and revocation of approvals).
- (4) *Procedures for revoking employee permits.* Prior to suspension or revocation of an employee permit, the Police Chief shall conduct a hearing. Written notice of the time and place of such hearing shall be served upon the permittee at least five (5) calendar days prior to the date set for such hearing. The notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending the permit. Notice may be given either by personal delivery or by certified U.S. mail, postage prepaid. Any permittee aggrieved by the decision of the Police Chief in suspending or revoking an employee permit shall have no appeal rights and the Police Chief's decision shall be final, subject to judicial review as set forth in this section.
- (5) *Immediate suspension.* The Police Chief may immediately suspend or revoke a regulatory permit and an employee permit without notice or a hearing, subject to the appeal rights set forth herein, under either of the following circumstances:
- a. The business owner or operator is convicted of a public offense in any court for the violation of any law which relates to the cannabis operation, or in the case of an employee permit, the employee is convicted of a

public offense in any court for the violation of any law which relates to the permit.

- b. The Police Chief determines that immediate suspension is necessary to protect the public health, safety, and welfare of the community. The Police Chief shall articulate the grounds for the immediate suspension in writing and the suspension shall only be for as long as necessary to address the circumstances which led to the immediate suspension.

(p) *Effect of denial or revocation.* When the City Council shall have denied a regulatory permit or revoked a regulatory permit, or the Police Chief shall have denied or revoked an employee permit, no new application for a regulatory permit and no new application for an employee permit shall be accepted and no regulatory permit or employee permit shall be issued to such person or to any corporation in which he or she shall have any beneficial interest for a period of one year after the action denying or revoking the regulatory permit or employee permit.

(q) *Abandonment.* In addition to the suspension or revocation of a regulatory permit, a regulatory permit shall be deemed abandoned if cannabis operations cease for a period of more than ninety (90) consecutive days. Before restarting operations, a new regulatory permit shall be secured. The ninety-day period shall be tolled during periods of force majeure, which shall be defined as follows: war; insurrection; strikes; lock-outs; riots; floods; earthquakes; fires; casualties; supernatural causes; acts of the "public enemy"; epidemics; quarantine restrictions; freight embargoes; lack of transportation; unusually severe weather; inability to secure necessary labor, materials or tools; delays of any contractor, subcontractor or supplier; or any other causes beyond the reasonable control of the permittee.

(r) *Water availability.* As a condition of opening for business, the premises owner, business owner, operator, and all responsible parties shall be deemed to have acknowledged and agreed to the following if the cannabis operation is connected to the City's water system.

The City's source of water comes through a contract with the Bureau of Reclamation ("Bureau"). The Bureau has indicated that it will report the use of City water for cannabis operations to the Department of Justice. While the City believes that supplying water to the site does not impair the Bureau contract, should the Bureau, Department of Justice, or other governing agency take actions affecting the City's Bureau contract because of the cannabis operation, the City may be forced to curtail or commingle water supply to the Site. Under those circumstances, the cannabis operation may be required to find alternative sources of water supply. If that happens, the City agrees to work with the premises owner, business owner, and operator to find an alternative water source, which may include the commingling of water, accessing a well, or having water delivered to the site by separate contract, but the City cannot provide any guarantees. The premises owner, business owner, and operator assume all risk associated with water supply to the Site, including all costs associated therewith. The premises owner, business owner, operator, and all responsible parties shall hold harmless, release, indemnify, and defend the City, its officers, employees, and agents, from any liability associated with the curtailment of water because of the foregoing. This release includes any damages to the premises owner, business owner,

operator, and all responsible parties, its employees and contractors, and third parties, and includes the risk of lost revenue, profits and consequential damages.

(s) *Fees and taxes.* All cannabis operations shall pay applicable fees and taxes, which may include one or more of the following.

- (1) *Business license fee.* The business owner shall at all times maintain a current and valid business certificate and pay all business taxes required by Title 3, Chapter 1, of the Coalinga Municipal Code pertaining to business licensing.
- (2) *Regulatory license fee.* The business owner shall pay an annual regulatory license fee ("regulatory fee") to cover the costs of anticipated enforcement relating to the cannabis operation. The amount of the fee shall be set by resolution of the City Council and be supported by the estimated additional costs of enforcement and monitoring associated with the cannabis operation. The regulatory fee shall be due and payable prior to opening for business and thereafter on or before the anniversary date. The regulatory fee may be amended from time to time based upon actual costs.
- (3) *Revenue raising fee (voter approved tax).* An annual revenue raising fee ("revenue fee") for the privilege of having the right to operate in the City as approved by the local citizens.
  - a. *Amount of fee and terms of payment.* The revenue fee shall be an annual fee of twenty-five (\$25.00) per square foot for the first 3,000 square feet and ten dollars (\$10.00) per square foot for the remaining space utilized in connection with each commercial cannabis operation. The square footage calculation shall be determined by including all portions of the premises under the control of the business owner and deducting therefrom driveways, sidewalks, landscaping, vacant unused space, areas used exclusively for office space, employee break rooms, restrooms, and storage space unrelated to the commercial cannabis operation (such as a janitorial closet). Anywhere cannabis is located or is expected to be located shall be subject to the revenue fee square foot calculation.

If more than one commercial cannabis operation operates on the premises, whether within a single building or multiple buildings, each regulatory permit holder shall be responsible for paying the fee. The fee shall be payable in advance, in not less than quarterly installments, with the first quarterly payment due prior to issuance of a certificate of occupancy. The first payment shall be prorated so that future payments coincide with calendar year quarters, but in no event shall the first payment be less than the equivalent of one full quarterly payment. Except for the first quarterly payment, all quarterly payments shall be received by the City before the end of the quarter.

- (4) All other state and local rules.

(t) *Record keeping.* The responsible party shall make and maintain complete, accurate and legible records of the permitted cannabis operations evidencing compliance with the requirements of this section. Those records shall be maintained for a minimum of five (5) years and shall be accessible to the City of Coalinga upon request.

(u) *Inspection.* Cannabis operations shall be open for inspection by any City law enforcement officer, staff member or any other City designated agent at any time the cannabis operation is operating, at any other time upon responding to a call for service related to the property where the Cannabis operations is occurring, or otherwise upon reasonable notice. Recordings made by security cameras at any cannabis operation shall be made immediately available to the Police Chief upon verbal request. No search warrant or subpoena shall be needed to view the recorded materials.

(v) *Indemnification.* In authorizing commercial cannabis operations under this section, the City makes no guarantees or promises as to the lawfulness of the approved activity under State or Federal law, and the business owner, operator and all responsible parties are obligated to comply with all applicable laws. To the fullest extent permitted by law, the City shall not assume any liability whatsoever with respect to the adoption of this section or the operation of any commercial cannabis operation approved pursuant to this section or under State or federal law. The business owner, operator and all responsible parties shall defend, hold harmless, release, and indemnify the City, its agents, officers, and employees, from any liability associated with the approved use or adverse determinations made by the State or Federal government. An adverse determination could include cessation of operations.

The business owner agrees to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge related to commercial cannabis operations operating under the authority of this section. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the permittee of its obligation hereunder.

If requested by the City Attorney, the business owner shall execute an agreement memorializing the requirements of this subsection.

(w) *Insurance.* The business owner shall at all times carry a comprehensive general liability policy in the minimum amount of one million dollars (\$1,000,000.00) combined single limit policy, as shall protect the business owner and city from claims for such damages, and which policy shall be issued by an "A" rated insurance carrier. Such policy or policies shall be written on an occurrence form. The City Manager, in consultation with City's Risk Manager, may allow the business owner to obtain lesser amounts of insurance where multiple business Owners are operating on the premises, provided at all times the minimum insurance set forth herein is applicable to the cannabis operations.

The business owner shall furnish a notarized certificate of insurance countersigned by an authorized agent of the insurance carrier on a form approved by City setting forth the



general provisions of the insurance coverage. This countersigned certificate shall name City and its respective officers, agents, employees, and volunteers, as additionally insured parties under the policy, and the certificate shall be accompanied by a duly executed endorsement evidencing such additional insured status. The certificate and endorsement by the insurance carrier shall contain a statement of obligation on the part of the carrier to notify City of any material change, cancellation or termination of the coverage at least thirty (30) days in advance of the effective date of any such material change, cancellation or termination.

Coverage provided hereunder by the business owner shall be primary insurance and not be contributing with any insurance maintained by City, and the policy shall contain such an endorsement. The insurance policy or the endorsement shall contain a waiver of subrogation for the benefit of City.

- (x) **Bond Requirement.** The applicant shall provide proof of a bond in the amount of twenty-five thousand dollars (\$25,000) to cover the costs of destruction of cannabis or cannabis products if necessitated by a violation of licensing requirements.

(y) *Violations: Enforcement.*

- (1) Any person that violates any provision of this section shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.
- (2) Any use or condition caused or permitted to exist in violation of any of the provisions of this section shall be and is hereby declared a public nuisance and may be summarily abated by the City pursuant to the City of Coalinga Municipal Code.
- (3) Any person who violates, causes, or permits another person to violate any provision of this section commits a misdemeanor.
- (4) The violation of any provision of this section shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of City, create a cause of action for injunctive relief.
- (5) In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this section may be subject to an administrative fine of up to one thousand dollars (\$1,000.00) for each violation and for each day the violation continues to persist.

(z) *Severability.* The provisions of this section are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this section or of the regulatory permit issued pursuant to this section, or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this section.

(aa) *Judicial review.* Judicial review of a decision made under this section or any actions taken pursuant to this section, may be had by filing a petition for a writ of mandate with

the superior court in accordance with the provisions of the California Code of Civil Procedure Section 1094.5. Any such petition shall be filed within ninety (90) days after the day the decision becomes final as provided in California Code of Civil Procedure Section 1994.6, which shall be applicable for such actions.

### **SECTION 3. ADOPTION OF SECTION 9-2-402 Table 2.7**

Coalinga Municipal Code Table 2.7 of Title 9, Chapter 2, Article 4 is hereby amends use Classification Crop Cultivation and Industry, Limited to read as follows:

<b>Use Classification</b>	<b>MBL</b>	<b>MBH</b>	<b>Additional Development Regulations</b>
Crop Cultivation	YES	YES	<u>Section 9-5-128</u> , Cannabis Cultivation, Manufacturing, Testing, and Distribution
Industry, Limited	YES	NO	<u>Section 9-5.128</u> , Cannabis Cultivation, Manufacturing, Testing, and Distribution  <u>Section 9-5.129</u> , Cannabis Retail Facilities

### **SECTION 4. ADOPTION OF SECTION 9-5.129**

Coalinga Municipal Code Title 9, Chapter 5, Article 1 is hereby amended by the addition of a new Article to read as follows:

#### **Section 9-5.129. – Retail Cannabis Operations**

- (a) *Definitions*. Except as otherwise provided, when used in this Section, the terms defined in Section 9-5.128 shall have the same meanings herein, and in addition the following terms shall have the following meanings:

*Retail* means any activity involving the retail sale of cannabis or cannabis products from a Cannabis Retail Facility.

*Cannabis* (as defined in Business and Professions Code section 19300.5(f)), including marijuana and cannabis concentrate (as defined in Business and Professions Code section 19300.5(g)), that has been recommended to an individual by a licensed physician for the treatment of an illness or disease pursuant to California Health & Safety 11362.5 et seq.

*Cannabis Retail Facility* a physical building where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, cannabis and cannabis products as part of retail sale.

*Customer* shall mean a Qualified Patient, Primary Caregiver to a Qualified Patient, or anyone otherwise allowed by state law to purchase, consume, or possess adult-use of medicinal cannabis.

*Limited-access area* is an area in which medical cannabis goods are stored or held and is only accessible to a licensee and his or her employees and contractors.

*Personal Cannabis* means cannabis that is cultivated, processed, or stored for a single customer's use.

*Primary Caregiver* is an individual designated by the qualified patient who has consistently assumed responsibility for the housing, health, or safety of that patient pursuant to statutory and case law.

*Qualified Patient* is a person who has a recommendation for cannabis by a licensed physician and is entitled to the protections offered by California Health & Safety Code Section 11362.5, and who has an identification card issued by the State Department of Public Health identifying the individual as a person authorized to engage in the use of cannabis as well as a picture identification of one of the following:

- A document issued by a federal, state, county, or municipal government, including, but not limited to, a valid motor vehicle operator's license, that contains the name, date of birth, physical description, and picture of the person; or
- A valid identification card issued to a member of the Armed Forces that includes a date of birth and a picture of the person; or
- A valid passport issued by the United States or by a foreign government.

(b) *General Provisions.* This section applies to all cannabis Retail facilities, as defined in this Code.

- a. All cannabis Retail facilities shall operate in compliance with this Code and all other applicable state and local laws.
- b. Cannabis Retail facilities shall only be allowed in the Retail Cannabis Overlay District with a valid business license, approved conditional use permit and commercial cannabis regulatory permit pursuant to Section 9-5.128 of the code.
- c. The fact that applicants possess other types of state or county or city permits, licenses or other entitlements does not exempt the applicant from the requirement of obtaining a conditional use permit and regulatory permit from the City of Coalinga to operate a Cannabis retail facility within the jurisdiction of the City.

- d. Cannabis Retail Facilities shall at all times be operated in such a way as to ensure the safety of its customers and employees; to ensure the security of the cannabis; and to safeguard against the diversion of cannabis.
- e. The Cannabis Retail Overlay District is described in Section 9-3.701.

*(c) Permitting*

- (1). Any cannabis retail facility must obtain a Commercial Cannabis Regulatory permit from the City of Coalinga through the process stated in Section 9-5.128(e) et seq. of this Code.
- (2). A property owner need not be permitted, and permits shall be held by an applicant and shall not run with any particular property. Permittees must also obtain a conditional use permit pursuant to 9-5.128(f).
- (3). All employees of the cannabis retail facility must obtain an employee permit to work in the cannabis retail facility within the City of Coalinga pursuant to Section 9-5.128 et seq. of this Code.
- (4). Applicants must also comply with all other state requirements for the cannabis retail facility operations at all times and shall comply with any amendments to this Code or state law or regulations.

*(d) Minimum Operating Requirements and Restrictions.* In addition to all other state laws and regulations, cannabis Retail facilities shall comply with all of the following operating standards listed in 9-5.128(d), as well as the following:

- a. Cannabis Retail facilities may not be operated by any persons who have been convicted of a felony in the last five (5) years or a prescribed by law.
- b. No dispensing of cannabis to a customer shall be permitted more than twice a day.
- c. The hours of operation of cannabis Retail facilities shall be no earlier than 6 a.m. and no later than 9 p.m.
- d. Cannabis retail facilities shall display their customer rules and/or regulations in a conspicuous place that is readily seen by all persons entering the Cannabis retail facility.
- e. Smoking, ingesting or otherwise consuming cannabis products on the premises of a cannabis Retail facility is prohibited. Each building entrance to a cannabis Retail facility shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming cannabis or cannabis edibles on the premises or in the vicinity of the Retail facility is prohibited.
- f. Each building entrance to a cannabis Retail facility shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen (18) are precluded from entering the premises unless they are qualified patients and they are accompanied by their parent or legal guardian.

- g. All cannabis Retail facilities shall display a copy of the inspection receipt issued by the Fresno County Office of Weights and Measures Division for all weighing and measuring devices.
- h. An up-to-date inventory of all hazardous materials stored and used onsite shall be maintained on the premises of the Retail facility available for inspection on demand of the City.
- i. Cannabis Retail facilities shall maintain all necessary permits, and pay all required taxes and fees. Retail facilities shall also provide invoices to vendors to ensure vendor's tax liability responsibility.
- j. Cannabis Retail facilities shall implement their policies and procedures as outlined in their Operations Manual. Cannabis Retail facilities shall comply with any and all conditions of their conditional use permit and regulatory permit.

(e) *Cannabis Goods Display*. The follow applies to the display of goods at a Cannabis Retail Facility.

- (1). The display of cannabis goods for sale shall only occur in the retail area during the operating hours of the licensed cannabis retail facility.
- (2). The licensee shall not display any cannabis goods in areas outside the retail area.
- (3). Cannabis goods on display shall not be readily accessible to customers.
- (4). The amount of cannabis goods that are displayed shall not exceed the average amount of cannabis goods the licensed cannabis retail facility sells during an average one day period. The remainder of the licensee's inventory of cannabis goods shall be stored in a safe or vault as required by state law or Police Chief, whichever is more restrictive at the time.
- (5). Cannabis goods may be removed from their packaging and placed in containers to allow for customer inspection. The containers shall not be readily accessible to customers without assistance of cannabis retail facility personnel. A container must be provided to the customer by the licensee or employee, who shall remain with the customer at all times that the container is being inspected by the customer.
- (6). Cannabis goods removed from their packaging for display shall not be sold, shall not be consumed, and shall be destroyed when the goods are no longer used for display.

(f) *Cannabis Goods For Sale*. A licensed cannabis retail facility shall not make any cannabis goods available for sale or delivery to a customer unless:

- (1). The cannabis goods were received from a licensed distributor and delivered to the cannabis retail facility by a licensed distributor.
- (2). The licensed cannabis retail facility has verified that the cannabis goods have not exceeded their expiration or sell-by date if one is provided.
- (3). A licensed cannabis retail facility shall not provide free samples of cannabis goods to any person.
- (4). A licensed cannabis retail facility shall not allow representatives of other companies or organizations to provide free samples of cannabis goods to individuals on the licensed cannabis retail facility premises.

(g) *Daily Limits.* This shall establish the daily limits of cannabis being sold to a single customer.

- (1). A licensee shall not sell more than eight ounces of cannabis in a single day to a single cannabis customer or as allowed by state law.
- (2). If a cannabis customer has a physician's recommendation that eight ounces of cannabis in a single day does not meet the cannabis customer's needs, the cannabis customer may purchase an amount of cannabis consistent with the customer's needs as recommended by a physician.

(h) *Cannabis Goods Returned by Customers.* For the purposes of this section, a customer return means a return of cannabis goods that were purchased from a cannabis retail facility back to the cannabis retail facility the cannabis goods were purchased from.

- (1). A licensed cannabis retail facility may accept customer returns of cannabis goods that were previously sold to the customer returning the cannabis goods.
- (2). A licensed cannabis retail facility shall destroy all cannabis goods that have been returned to a cannabis retail facility and shall not resell said product or goods.

(i) *Site Security*

- (1). Cannabis Retail Facilities must comply with the security requirements of Section 9-5.128. In addition, technical requirements of security measures are anticipated to change over time, and as such, additional technical measures shall be established by the Council from time to time by resolution.

(j) *Premises*

- (1). *Subletting of premises.* A licensed cannabis retail facility shall not sublet any portion of the licensed premises of the cannabis retail facility.
- (2). *Limited Access Areas.* This section establishes the regulations within limited access areas of a Cannabis Retail Facility.
  - a. A licensed cannabis retail facility shall only permit authorized individuals to enter the cannabis retail facility limited access areas.
  - b. Authorized individuals include individuals employed by the licensed cannabis retail facility as well as any outside vendors, contractors, or other individuals who have a bona fide business reason for entering the cannabis retail facility limited-access area.
  - c. An individual who is not an authorized individual for purposes of entering the cannabis retail facility limited-access areas shall not enter the cannabis retail facility limited access area at any time for any reason.
  - d. An individual in the cannabis retail facility limited-access area who is not employed by the licensed cannabis retail facility shall be escorted by individuals employed by the licensee at all times within the cannabis retail facility limited-access area.
  - e. An individual who enters the cannabis retail facility limited-access areas shall be at least 21 years of age.

- f. The licensed cannabis retail facility shall maintain a log of all authorized individuals who are not employees of the cannabis retail facility that enter the cannabis retail facility limited-access area. These logs shall be made available to the City upon request.
- g. A licensed cannabis retail facility shall not receive consideration or compensation for permitting an individual to enter the cannabis retail facility limited-access area.

*(k) Permit Revocation & Transfer of a Conditional Use Permit and Regulatory Permit*

- (1). A conditional use permit shall be revoked or modified according to Section 9-6.114. Permit revocation or modification shall be sought for non-compliance with one or more of the requirements listed in this Code, by state law, or regulation.
- (2). Conditional use permits and regulatory permits to operate a Cannabis Retail facility may not be transferred.
- (3). The City Council may suspend or revoke the regulatory permit for a cannabis retail facility in accordance with Section 9-5.128(o)(1).

*(l) Deliveries.* The following rules apply to delivers for a cannabis retail facility.

- (1). All deliveries of cannabis goods must be performed by a delivery employee of a licensed cannabis retail facility.
- (2). Each delivery employee of a licensed cannabis retail facility shall be at least twenty-one (21) years of age.
- (3). A licensed cannabis retail facility shall not use the services of an independent contractor or courier service to deliver cannabis goods.
- (4). All deliveries of cannabis goods shall be made physically to a customer; no drop-offs are allowed. A delivery of cannabis goods shall not be made through the use of an unmanned vehicle.
- (5). A delivery employee begins the process of delivering when the delivery employee leaves the cannabis retail facility premises with the cannabis goods for delivery. The process of delivering ends when the delivery employee returns to the licensed cannabis retail facility premises after delivering the cannabis goods to the customer.
- (6). A delivery employee of a licensed cannabis retail facility shall, during deliveries, carry a copy of the cannabis retail facility's current permit, the employee's government-issued identification, and an employer provided badge containing a picture and the name of the delivery employee.
- (7). A licensed cannabis retail facility shall maintain an accurate list of the cannabis retail facility's delivery employees.
- (8). A licensed cannabis retail facility may only deliver cannabis goods to a physical address in California.
- (9). A licensed cannabis retail facility delivery employee shall not leave the state of California while possessing cannabis goods.

- (10). A licensed cannabis retail facility shall not deliver cannabis goods to an address located on publicly owned land or any address on land or in a building leased by a public agency.

(11). *Methods of Delivery*

- a. A delivery employee of a licensed cannabis retail facility, carrying cannabis goods for delivery, shall only travel in an enclosed motor vehicle operated by the delivery employee or another delivery employee of the licensee.
- b. While carrying cannabis goods for delivery, a delivery employee of a licensed cannabis retail facility shall ensure the cannabis goods are not visible to the public.
- c. A delivery employee of a licensed cannabis retail facility shall not leave cannabis goods in an unattended motor vehicle unless the motor vehicle is equipped with an active vehicle alarm system.
- d. A vehicle used for the delivery of cannabis goods shall be outfitted with a dedicated Global Positioning System (GPS) device for identifying the geographic location of the delivery vehicle. A dedicated GPS device does not include a phone or tablet. The device shall be either permanently or temporarily affixed to the delivery vehicle and shall remain active and inside of the delivery vehicle at all times during delivery. At all times, the licensed cannabis retail facility shall be able to identify the geographic location of all delivery vehicles that are making deliveries for the cannabis retail facility and shall provide that information to the City of Coalinga upon request.
- e. Upon request, a licensed cannabis retail facility shall provide the City of Coalinga with information regarding any motor vehicles used for the delivery of cannabis goods, including the vehicle's make, model, color, Vehicle Identification Number, and license plate number.
- f. Any motor vehicle used by a licensed cannabis retail facility to deliver cannabis goods is subject to inspection by the City. Vehicles used to deliver cannabis goods may be stopped and inspected by the City of Coalinga at any licensed premises or during delivery.

(12). *Delivery Hours of Operation*

- a. A licensed cannabis retail facility shall only deliver cannabis goods to customers starting at 6:00 a.m. and must be completed by 9:00 p.m. Pacific Time.

(13). *Cannabis Goods Carried During Delivery*

- a. While making deliveries, a delivery employee of a licensed cannabis retail facility shall not carry cannabis goods in excess of \$3,000, or as provided by state law or regulation, whichever is lower, at any time. This value shall be determined using the retail price of all cannabis goods carried by the delivery employee.



- (14). *Cannabis Consumption During Delivery*
- a. Delivery employees of a licensed cannabis retail facility shall not consume cannabis goods while delivering cannabis goods to cannabis customers.
- (15). *Delivery Receipt*
- a. A licensed cannabis retail facility shall prepare a delivery receipt for each delivery of cannabis goods.
  - b. The delivery receipt shall contain the following:
    1. The name and address of the permitted cannabis retail facility.
    2. The name of the delivery employee of the permitted cannabis retail facility who delivered the order.
    3. The name of the permitted cannabis retail facility employee who prepared the order for delivery.
    4. A customer name and unique identification number for the customer who is requesting the delivery.
    5. The date and time the delivery request was made.
    6. The delivery address.
    7. A detailed description of all cannabis goods requested for delivery. The description shall include the weight, volume, or any other accurate measure of the amount of any cannabis goods requested.
    8. The total amount paid for the delivery, including any taxes and fees.
  - c. Upon delivery, the date and time the delivery was made, and the signature of the cannabis customer who received the delivery.
  - d. At the time of the delivery, the delivery employee of the permitted cannabis retail facility shall provide the cannabis customer, who placed the order a copy of the delivery receipt. The delivery employee shall retain a signed copy of the delivery receipt for the cannabis retail facility's records.
  - e. The delivery receipt shall comply with state and federal law regarding the protection of confidential information.
- (16). *Delivery Route*
- a. While making deliveries of cannabis goods, a delivery employee of a permitted cannabis retail facility shall only travel from the permitted cannabis retail facility premises to the delivery address; from one delivery address to another delivery address; or from a delivery address back to the permitted cannabis retail facility premises. A delivery employee of a permitted cannabis retail facility shall not deviate from the delivery path described in this section, except for necessary rest, fuel, or vehicle repair stops, or because road conditions make continued use of the route unsafe, impossible, or impracticable.

**SECTION 4. EFFECTIVE DATE.**

This Ordinance shall take effect 30 days after its adoption.

**SECTION 5. PUBLICATION.**

The City Clerk is authorized and directed to cause this ordinance or a summary of this ordinance to be published once in a newspaper of general circulation published and circulated in the City of Coalinga, within 15 days after its adoption. If a summary of this ordinance is to be published, then the City Clerk shall cause a summary of the proposed ordinance to be published and a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five days prior to the Council meeting at which the ordinance is adopted, and also shall cause a certified copy of the full text of the adopted ordinance to be posted in the office of the City Clerk after the meeting at which the ordinance is adopted. The summaries shall be approved by the City Attorney.

\* \* \* \*

The foregoing ordinance was introduced by the City Council of the City of Coalinga, California, at a regular meeting held on September 7, 2017, and was passed and adopted by the City Council on September 21, 2017, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**APPROVED:**

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Mayor/Mayor Pro-Tem

**ATTEST:**

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City Clerk/Deputy City Clerk

## ORDINANCE 797 (SECTION 9-5-128)

### STRIKE-THROUGH'S

Sec. 9-5.128. – ~~Marijuana~~ Cannabis cultivation, manufacturing, testing, transportation and distribution.

(a) *Purpose.* The purpose of this section is to adopt local regulations applicable to commercial ~~marijuana-cannabis~~ operations as may be permitted under the California Medicinal and Adult-Use ~~Marijuana-Cannabis~~ Regulation and Safety Act (SB 94), ~~adopted approved by the Governor on October 9, 2015~~ June 27, 2017, with legislative bills AB 243, AB 266, and SB 643, or subsequently enacted State law pertaining to the same. ~~or similar uses for recreational cannabis. The Medical Marijuana Regulation and Safety Act has been retitled as the Medical Cannabis Regulation and Safety Act, and is hereinafter referred to as the "Act".~~

(b) *Definitions.* Except as set forth herein, or where a different meaning is clearly intended by the language, the definitions set forth in the Act shall apply to interpretations under this section.

*Act* means the Medicinal and Adult-Use ~~Marijuana-Cannabis~~ Regulation and Safety Act ~~or a subsequent cannabis related law adopted by the State, now called the Medical Cannabis Regulation and Safety Act. Both names may be used interchangeably, but shall have the same meaning.~~

*Applicant* means a person who is required to file an application for a permit under this section.

*Business owner* means the owner(s) of the ~~marijuana-cannabis~~ operations. For corporations and limited liability companies, business owner means the President, Vice President, and any shareholder owning a twenty ~~ten~~-percent or greater share of the corporation or company. For partnerships, business owner means all general partners and managing partners.

*Cannabis* ~~or marijuana-cannabis~~ shall have the meaning set forth in California Business and Professions Code section 19300.5(f). Cannabis and ~~marijuana-cannabis~~ may be used interchangeably, but shall have the same meaning.

*City* means the City of Coalinga.

*Commercial ~~marijuana-cannabis~~ operation or marijuana-operation* means any commercial ~~marijuana-cannabis~~ activity allowed under the Act and the implementing regulations, as the Act and the implementing regulations may be amended from time to time, and all uses permitted under any subsequently enacted State law pertaining to the ~~same or similar uses for recreational cannabis.~~

*Commercial ~~marijuana-cannabis~~ regulatory permit or regulatory permit* means the permit required under this section to have a commercial ~~marijuana-cannabis~~

operation, and any prior permit granted by the City under Urgency Ordinance No. 791 pursuant to the registration process.

*Employee permit* means the permit required under this section for every employee or independent contractor working at a commercial ~~marijuana-cannabis~~ operation or involved in transportation/delivery related services for a commercial ~~marijuana-cannabis~~ operation.

*Non-commercial and recreational ~~marijuana-cannabis~~ activity* means all uses not included within the definition of commercial ~~marijuana-cannabis~~ operation, including the personal use, cultivation, or consumption of ~~marijuana-cannabis~~, whether medical or recreational.

*Operator* means the business owner and any other person designated by the business owner as responsible for the day to day ~~marijuana-cannabis~~ operations.

*Ordinance* means the ordinance adopting this section, and including the terms of this section, which may be commonly referred to as the City's "Commercial ~~Marijuana Cannabis~~ Ordinance".

*Police Chief* means the Police Chief of the City of Coalinga or his or her designee.

*Premises or site* means the actual building(s), and/or designated units/suites, as well as any accessory structures, parking areas, or other immediate surroundings, and includes the entire parcel of property used by the business owner in connection with the ~~marijuana-cannabis~~ operations.

*Premises owner* means the fee owner(s) of the premises where ~~marijuana-cannabis~~ operations are occurring.

*Responsible party* shall mean the business owner, operator, manager(s), and any employee having significant control over the ~~marijuana-cannabis~~ operations.

(c) *Permitted uses and zoning.* Business owners meeting the requirements of this section shall be allowed to conduct the following commercial ~~marijuana-cannabis~~ operations in the MBL - Light Manufacturing/Business zone district of the City:

- Indoor Cultivation (Up to 5,000 S/F Canopy)
- Indoor Cultivation (5,001 - 10,000 S/F Canopy)
- Indoor Cultivation (10,001 - 22,000 S/F Canopy)
- Manufacturing (nonvolatile)
- Manufacturing (volatile)
- Testing Laboratory
- Distributor
- Nursery
- Microbusiness
- Retailer (See Section 9-5.129)
- ~~Cultivation~~
- ~~Processing~~

- ~~Extraction.~~
- ~~Manufacturing.~~
- ~~Testing.~~
- ~~Distribution.~~
- ~~Transportation.~~

The commercial ~~marijuana-cannabis~~ operation shall at all times be in compliance with this section as it may be amended from time to time or repealed and replaced by another section governing the commercial ~~marijuana-cannabis~~ operation.

~~Dispensaries are expressly prohibited unless approved by the voters of the City of Coalinga.~~

- (d) *Minimum operational requirements and restrictions.* The following operational requirements and restrictions shall apply to all commercial ~~marijuana-cannabis~~ operations:

(1) *The Act and other state laws.* The ~~marijuana-cannabis~~ operations shall at all times be in compliance with the Act and the implementing regulations, as they may be amended from time to time, as well as all required State license(s) under the Act, and any other applicable State law. The operator shall obtain required licenses under the Act prior to opening for business, or if the State is not ready to issue licenses under the Act prior to the time of opening, within twelve (12) months of the State being ready to issue the required license(s). Provided, however, that the operator shall at all times be in compliance with all other requirements of the Act and implementing regulations, and any other applicable State law, regardless of the timing of the issuance of a license under the Act.

~~If recreational cannabis becomes lawful in California, and the operator uses the approved marijuana operations for commercial recreational cannabis, the operator shall meet or exceed the health and safety requirements of the Act in any operations relating to recreational marijuana.~~

(2) *Register of employees.* The operator shall maintain a current register of the names of persons required to have employee permits. The register shall be available to the Police Chief at all times immediately upon request.

(3) *Signage.* There shall be no signage or markings on the premises, or off-site, which in any way evidences that ~~marijuana-cannabis~~ operations are occurring on the property. Interior building signage is permissible provided the signage is not visible outside of the building.

(4) *Marijuana-Cannabis consumption.* No ~~marijuana-cannabis~~ shall be smoked, ingested or otherwise consumed on the premises. Adequate signage of this prohibition shall be displayed throughout the facility.

(5) *Alcoholic beverages.* ~~No marijuana operation shall hold or maintain a retail license from the State Department of Alcohol Beverage Control to sell~~

~~alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol for personal consumption shall not be provided, stored, kept, located, sold, dispensed, or used on the premises.~~

~~(6) *Transportation.* Transportation shall only be conducted according to activity permitted by State law.~~

(7) *Distribution.* There shall be no deliveries from the premises of cannabis or cannabis containing products except to another State or local licensed or permitted cannabis business holding a distribution license.

(8) *Non-commercial ~~marijuana-cannabis~~ activity.* No non-commercial or recreational ~~marijuana-cannabis~~ activity shall occur on the premises.

(9) *Retail sales.* The retail sale of ~~marijuana-cannabis~~ is ~~expressly prohibited~~ permitted in accordance with Section 9-5.129.

(10) *Public access.* There shall be no public access to the premises.

(11) *Minors.* It shall be unlawful for any operator to employ any person who is not at least ~~eighteen~~ (18) twenty one (21) years of age, or any older age if set by the State.

(12) *Distance separation from schools.* ~~Marijuana-Cannabis~~ operations shall comply with the distance separation requirements from schools as required by State law. In addition, a commercial ~~marijuana-cannabis~~ operation shall not be located within 1,800 feet from any existing school or proposed school site as identified in the General Plan. Measurements shall be from property boundary to property boundary. For purposes of this section, school means any public or private school providing instruction in kindergarten or grades 1-12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

(13) *Hours of operation.* Commercial ~~marijuana-cannabis~~ operations shall be allowed to operate per the requirements of the underlying zone district and subject to the City's noise and nuisance ordinances.

(14) *Building and related codes.* The ~~marijuana-cannabis~~ operation shall be subject to the following requirements:

a. The premises in which the ~~marijuana-cannabis~~ operations occur shall comply with all applicable local, state and federal laws, rules, and regulations including, but not limited to, building codes and the Americans with Disabilities Act, as certified by the Building Official of the City. The operator shall obtain all required building permits and comply with all applicable City standards.

b. The responsible party shall ensure that the premises has sufficient electrical load for the ~~marijuana-cannabis~~ operations.

c. Butane and other flammable materials are permitted to be used for extraction and processing provided the operator complies with all

applicable fire and building codes, and any other laws and regulations relating to the use of those products, to ensure the safety of that operation. The Coalinga Fire Department shall inspect and approve the premises for use of the products prior to City's issuance of a certificate of occupancy, or otherwise prior to opening for business, to ensure compliance with this requirement.

d. The operator shall comply with all laws and regulations pertaining to use of commercial kitchen facilities for the ~~marijuana~~ cannabis operations.

e. The operator shall comply with all environmental laws and regulations pertaining to the ~~marijuana-cannabis~~ operations, including the use and disposal of water and pesticides, and shall otherwise use best practices to avoid environmental harm.

(15) *Odor control.* ~~Marijuana-Cannabis~~ operations shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the facility that is distinctive to its operation is not detected outside ~~the outside~~ the premises, outside the building housing the ~~marijuana-cannabis~~ operations, or anywhere on adjacent property or public rights-of-way. As such, ~~marijuana-cannabis~~ operations must install and maintain the following equipment or any other equipment which the City's Building Official determines has the same or better effectiveness, if a smell extends beyond a property line:

a. An exhaust air filtration system with odor control that prevents internal odors and pollen from being emitted externally; or

b. An air system that creates negative air pressure between the cannabis facility's interior and exterior so that the odors generated inside the cannabis facility are not detectable outside the cannabis facility.

(16) *Consumable products.* ~~Marijuana-Cannabis~~ operations that manufacture products in the form of food or other comestibles shall obtain and maintain the appropriate approvals from the State Department of Public Health for the provision of food or other comestibles, unless otherwise governed by the Act and licensed by the State.

(17) *Secure building.* All ~~marijuana-cannabis~~ operations shall occur entirely inside of a building that shall be secure, locked, and fully enclosed, with a ceiling, roof or top. The building shall include a burglar alarm monitored by an alarm company or private security company. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for industrial structures (including, without limitation, commercial greenhouse structures), and include material strong enough to prevent entry except through an open door. Notwithstanding the foregoing, the roof may be of solid translucent material provided other

security measures exist to ensure that the ~~marijuana-cannabis~~ operation cannot be seen, heard or smelled beyond the property line. The precise building construction and material to be used shall be identified and provided to the City prior to construction and provided with the application.

(18) *Premises security.* The following security conditions shall apply:

- a. Alarm system (both perimeter, fire and panic).
- b. Remote monitoring of alarm systems.
- c. Perimeter lighting systems (motion sensor) for after-hours security.
- d. Perimeter security and lighting as approved by the Police Chief and Community Development Director.
- e. Use of drive gates with card key access or similar to access the facility.
- f. Entrance areas to be locked at all times areas, and under the control of a designated responsible party.
- g. Use of access control systems to limit access to grow and processing areas.
- h. Exterior and interior camera systems approved by the Police Chief. The camera systems shall meet the minimum requirements of the Act, include interior monitoring of all access points of the site from the interior, and be of a minimum five (5) mega pixel in resolution.
- i. All security systems at the site are attached to an uninterruptable power supply that provides twenty-four (24) hours of power.
- j. Twenty-four-hour security patrols by a recognized security company licensed by the California Department of Consumer Affairs or otherwise acceptable to the Police Chief.
- k. All current contact information regarding the security company shall be provided to the Police Chief.
- l. Coalinga Police Department or department designee shall have access to all security systems.
- m. Subject to the provisions below regarding the use and handling of confidential information, IP access for remote monitoring of security cameras by the Coalinga Police Department or Department designee.
- n. Subject to the provisions below regarding the use and handling of confidential information, any and all video or audio tape recordings made for security or other purposes shall be marked with the date and time made and shall be kept, in an unaltered state,



for a period of thirty (30) days and must be made available to the Coalinga Police Department or Department designee for duplication upon demand. In addition, upon request by the Coalinga Police Department the Responsible Party shall duplicate the records for the Coalinga Police Department or Department designee.

o. Hardened bullet resistant windows for exterior windows as part of any new or existing construction.

p. Accounting software systems need to be in place to provide audit trails of both product and cash, where applicable.

q. Electronic track and trace systems for cannabis products as approved by the Police Chief.

r. Premises may be inspected and records of the business owner audited by the City for compliance on a quarterly basis.

s. State of the art network security protocols and equipment need to be in place to protect computer information.

t. The foregoing requirements shall be approved by the Police Chief prior to commencing operations. The Police Chief may supplement these security requirements once operations begin, subject to review by the City Council if requested by the business owner.

### *Confidentiality Statement*

The City, Police Chief, Police Department employees, and any other law enforcement official acting under the direction of the Police Chief who access the premises and video and/or audio feeds or recordings of the premises ("recipients") may receive or be provided with confidential information relating to the ~~marijuana~~-cannabis operations, which may include the following: data, records, plans, and matters relating to customers, vendors, tenants, agreements, and business records (collectively "confidential information").

To the extent confidential information is acquired without a warrant from access to the premises and video and/or audio feeds or recordings as authorized under this section, the recipients shall, to the maximum extent possible, keep such confidential information confidential and not disclose the confidential information to any third parties. Provided, however, that the recipients may disclose confidential information to the State or Federal courts in California in connection with any criminal law enforcement action against the business owner or operator, (including its employees, contractors and agents conducting business within the premises) arising from or related to the ~~marijuana~~-cannabis operations, but only to the extent it is necessary and relevant to such criminal prosecution,

and the recipients shall file any such documents under seal to the extent they contain any confidential information.

Notwithstanding the foregoing, the City may disclose confidential information:

1. As may be required by the California Public Records Act or pursuant to a civil subpoena, provided however, the City shall notify the operator and provide the operator with a reasonable opportunity to obtain a protective order before disclosing the confidential information.

2. In connection with any City enforcement proceeding relating to compliance with City's Municipal Code and this section, but only to the extent the confidential information is relevant to the proceeding.

(19) *Deliveries of supplies and transportation of product.* The transportation of cannabis and cannabis products shall only be conducted by persons holding a State distributor license or employees of those persons and shall follow all the regulations and safety standards established by the Bureau of Cannabis Control. ~~The following rules apply to the deliveries and transportation:~~

- ~~a. Deliveries to the premises of supplies shall only occur as provided for in the diagram and floor plan on file with the City as part of the application process. Delivery vehicles shall not have any markings indicating that deliveries are being made to a marijuana operation.~~

- ~~b. The transportation of marijuana samples and product to and from the Premises shall be in unmarked vehicles with no indication that the vehicles are transporting marijuana samples and products. The responsible party shall stagger transportation times, vary routes from the facility, and take other security measures as requested by the Police Chief.~~

(20) *Premises maintenance.* The business owner, operator, and all responsible parties shall continually maintain the premises and its infrastructure so that it is visually attractive and not dangerous to the health, safety and general welfare of employees, patrons, surrounding properties, and the general public. The premises or commercial ~~marijuana~~-cannabis operation shall not be maintained in a manner that causes a public or private nuisance.

(21) *Location of uses.* The commercial ~~marijuana~~-cannabis operation permitted by this section shall only be allowed in the locations designated on the diagram and floor plan of the premises submitted with the application for a regulatory permit. The commercial ~~marijuana~~-cannabis operation shall not operate at any place other than the address of the ~~marijuana~~-cannabis operation stated in the regulatory permit.

(e) *Commercial ~~marijuana-cannabis~~ regulatory permit.* No person or entity shall operate a commercial ~~marijuana-cannabis~~ operation within the City of Coalinga without first obtaining a commercial ~~marijuana-cannabis~~ regulatory permit from the City. The regulatory permit shall be site specific and shall specifically identify the commercial ~~marijuana-cannabis~~ activity that will be allowed at that site. No commercial ~~marijuana-cannabis~~ activity will be allowed unless specifically identified in the regulatory permit.

(f) *Conditional use permit.* Prior to, or concurrently with, applying for a regulatory permit, the applicant shall process a conditional use permit as required by the City's Land Use Regulations. Information that may be duplicative in the two (2) applications can be incorporated by reference. The conditional use permit shall run with the regulatory permit and not the land.

(g) *Applications for regulatory permits and responsible party designation.*

(1) *Application.* Applications for regulatory permits shall be filed by the proposed business owner(s) with the Police Chief and include the information set forth herein. The Police Chief may request such information he or she deems necessary to determine who the applicant is. The applicant shall certify under penalty of perjury that all of the information contained in the application is true and correct. The application shall contain the following items for the business owner, operator and all responsible parties known at the time (if different than the business owner), and any other party designated below, to the extent the same shall apply:

- a. The full name, present address, and telephone number, including such information to the premises owner.
- b. Date of birth.
- c. Tax identification number.
- d. The address to which notices relating to the application is to be mailed.
- e. Previous addresses for the five (5) years immediately preceding the present.
- f. The height, weight, color of eyes and hair.
- g. Photographs for identification purposes (photographs shall be taken by the Police Department).
- h. All business, occupation, or employment for the five (5) years immediately preceding the date of submittal of the application form.
- i. The ~~marijuana-cannabis~~ operation business history, including whether the business owner and responsible parties while previously operating in this or another city, county or state has had a ~~marijuana-cannabis~~ related license revoked or suspended, the

reason therefore, and the business or activity or occupation subsequent to such action of suspension or revocation.

j. Complete property ownership and lease details, where applicable. If the business owner is not the premises owner, the application form must be accompanied with a notarized acknowledgment from the premises owner that ~~marijuana~~-cannabis operations will occur on its property.

k. A descriptive business plan for the ~~marijuana~~-cannabis operation, including a detailed list of all ~~marijuana~~-cannabis operations proposed to occur on the premises.

l. A diagram and floor plan of the entire premises, denoting all the use of areas proposed for ~~marijuana~~-cannabis operations, including, but not necessarily limited to, cultivation, processing, manufacturing, testing, transportation, deliveries, and storage. The diagram and floor plan need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

m. The name or names of the operator. The operator shall designate one or more responsible parties, one of which shall at all times be available as a point of contact for the City, 24 hours per day. The contact information and schedule of the operator and responsible parties shall be provided to the Police Chief and updated within twenty-four (24) hours of any changes.

n. The proposed security arrangements for insuring the safety of persons and to protect the premises from theft.

o. An accurate straight-line drawing prepared within thirty (30) days prior to the application depicting the building and the portion thereof to be occupied by the ~~marijuana~~-cannabis operation and the property line of any school as set forth in the operational requirements.

p. Authorization for the City, its agents and employees to seek verification of the information submitted.

(2) *Improper or incomplete application.* If the applicant has completed the application improperly, or if the application is incomplete, the Police Chief shall, within thirty (30) days of receipt of the original application, notify the applicant of such fact.

(3) *Changes in information.* Except as may otherwise be provided, the information provided in this subsection shall be updated to the Police Chief upon any change within ten (10) days.

(4) *Other permits or licenses.* The fact that an applicant possesses other types of State or City permits or licenses does not exempt the applicant from the requirement of obtaining a regulatory permit.

(h) *Employee permits.*

(1) *Permit required.* Every employee or independent contractor working at a commercial ~~marijuana~~ cannabis operation ~~or involved in transportation/delivery related services for a marijuana operation~~ shall obtain an employee permit. It shall be the duty of the operator to ensure that employee permits are obtained from the Police Department prior to the employee or independent contractor commencing work. Persons who are listed as a business owner on a regulatory permit shall not be required to obtain an employee permit if such person also serves as an employee or contractor. All responsible parties, except the business owner, shall be required to obtain an employee permit.

(2) *Application.* Each employee and independent contractor shall be required to provide the following information under penalty of perjury, so that the Police Department can perform a background check:

- a. Name, current resident address, and telephone number.
- b. Date of birth.
- c. Tax identification number.
- d. Height, weight, color of eyes, and hair.
- e. Photographs for identification purposes (photographs shall be taken by the Police Department).
- f. Be fingerprinted by the Police Department.
- g. Such other identification and information as deemed necessary by the Police Chief and pertinent to the employee permit.
- h. Authorization for the City, its agents and employees to seek verification of the information contained within the application.
- i. The name of the business owner holding the regulatory permit and the operator for which such person is proposed to work.

(i) *Application fees.* Every application for a regulatory permit and ~~to~~ employee permit; ~~or renewal~~ shall be accompanied by a nonrefundable fee, as established by resolution of City Council. This fee shall be in addition to any other business license fee or permit fee imposed by this Code or other governmental agencies. The fee shall include an amount to cover the costs of fingerprinting, photographing, background checks as well as general review and processing of the application.

(j) *Investigation and action on application.*

(1) Upon the filing of a properly completed application and the payment of the fee, the police chief shall conduct an investigation of the application, including a background check of the applicant and all employees and independent contractors. All applicants for a regulatory permit and employee permit shall be required to submit to a fingerprint-based criminal history records check conducted by the Coalinga Police Department.

(2) For regulatory permits, after the background checks and investigation are complete, and in no case later than ninety (90) days after receipt of a properly completed application, the Police Chief shall issue a recommendation that the City Council approve or deny a regulatory permit in accordance with the provisions of this section. The recommendation for approval shall include conditions the Police Chief deems reasonable under the circumstances to protect the public health, safety, and welfare of the community. The recommendation shall be forwarded to the City Council for action following any required noticing and public hearings, and may be processed concurrently with any other entitlements necessary for the ~~marijuana~~-cannabis operation.

(3) For employee permits, after the background checks and investigation are complete, and in no case later than thirty (30) days after receipt of a properly completed application, the Police Chief shall either approve or deny an employee permit. At the discretion of the Police Chief, employee permits may be conditionally approved pending the background investigation.

(k) *Term of permits and renewals.* Regulatory permits issued under this chapter shall expire one year following the date of issuance. Applications for renewal shall be made at least forty-five (45) days prior to the expiration date of the permit and shall be accompanied by the nonrefundable fee referenced in this section. When made less than forty-five (45) days before the expiration date, the expiration of the permit will not be stayed. Applications for renewal shall be acted on similar to applications for permits except that the Police Chief shall renew annual permits for additional one year periods if the circumstances and information provided with the initial application have not materially changed.

(l) *Grounds for denial of regulatory permit.* The grounds for denial of a regulatory permit shall be one or more of the following:

(1) The business or conduct of the business at a particular location is prohibited by any local or State law, statute, rule or regulation.

(2) The business owner or operator has been issued a local or state permit related to ~~marijuana~~-cannabis operations at any other location in California, or another state, and that permit was suspended or revoked, or the business owner or operator has had disciplinary action relating to the permit.

(3) The business owner or operator has knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application.

(4) Consistent with the Act or other applicable State law, the business owner or operator, or any responsible person, has been:

a. Convicted of a serious or violent offense as listed under California Penal Code sections 667.5 and 1192.7(c); or

b. Convicted of any of the offenses listed in Business and Professions Code section 19323; or

c. Convicted of a misdemeanor involving moral turpitude as defined under State law (generally crimes relating to theft and dishonesty) within the five (5) years preceding the date of the application; or

d. Convicted of a felony involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, unless the individual has received a Certificate of Rehabilitation as defined in the Act; or

e. Has engaged in misconduct related to the qualifications, functions or duties of a permittee, such as lying on an application, falsifying legal documents, or anything that would otherwise ban the permittee from obtaining a State license under the Act.

A conviction within the meaning of this subsection means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

(5) Consistent with the Act or other applicable State law, the business owner or operator has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

(6) The business owner or operator is under ~~eighteen~~ twenty-one (~~18~~21) years of age, or any older other age set by the State.

(7) The ~~marijuana~~ cannabis operation does not comply with the zoning ordinance standards of the City of Coalinga or the development standards set forth in this title.

(8) The required annual business license fee, annual regulatory fee or revenue raising fee has not been paid.

(m) *Grounds for denial of employee permit.* The grounds for denial of an employee permit shall be one or more of the following:

(1) The applicant has been issued a local or state permit related to ~~marijuana~~ cannabis operations at any other location in California, or another state, and that permit was suspended or revoked, or the applicant has had disciplinary action relating to the permit.

(2) Consistent with the Act or other applicable State law, the applicant has been:

- a. Convicted of a serious or violent offense as listed under California Penal Code sections 667.5 and 1192.7(c); or
- b. Convicted of any of the offenses listed in Business and Professions Code section 19323; or
- c. Convicted of a misdemeanor involving moral turpitude as defined under State law (generally crimes relating to theft and dishonesty) within the five (5) years preceding the date of the application; or
- d. Convicted of a felony involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, unless the individual has received a Certificate of Rehabilitation as defined in the Act; or
- e. Has engaged in misconduct related to the qualifications, functions or duties of a permittee.

(3) Consistent with the Act or other applicable State law, the applicant has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

(4) The applicant has committed any act, which, if done by a permittee, would be grounds for suspension or revocation of a permit.

(5) An applicant is under ~~eighteen-twenty-one~~ (1821) years of age, or any older age set by the State.

(n) *Notice of decision and final action.*

(1) *Regulatory permit.* Action on the regulatory Permit shall be as follows:

- a. The Police Chief shall cause a written notice of his or her recommendation on the issuance or denial of a regulatory permit, and the date and time when the City Council will consider action on the regulatory permit, to be personally delivered or mailed to the applicant by certified U.S. mail, postage prepaid.
- b. Following a public hearing before the City Council, the Council may grant the regulatory permit subject to such conditions as it deems reasonable under the circumstances to protect the public health, safety, and welfare of the community, or it may deny the issuance of the regulatory permit for any of the grounds specified in this section. The decision of the Council shall be final, subject to judicial review below.

(2) *Employee permit.* Action on the employee permit shall be as follows:

- a. The Police Chief shall cause a written notice of his or her determination on the issuance or denial of an employee permit to be personally delivered or mailed to the applicant by certified U.S. mail,



postage prepaid. The Police Chiefs decision on an employee permit shall be final, subject to judicial review.

(o) *Suspension and revocation of regulatory permit or employee permit.*

(1) *Regulatory permit.* The City Council may suspend or revoke the regulatory permit of a commercial ~~marijuana-cannabis~~ operation when any of the following occur:

- a. The ~~marijuana-cannabis~~ operation is conducted in violation of any provision of this section, the Act, or any other applicable state law.
- b. The ~~marijuana-cannabis~~ operation is conducted in such a manner as to create a public or private nuisance.
- c. A failure to pay the regulatory fee or revenue raising fee required by this section.
- d. A failure to take reasonable measures to control patron conduct, where applicable, resulting in disturbances, vandalism, or crowd control problems occurring inside of or outside the premises, traffic control problems, or obstruction of the operation of another business.
- e. A failure to comply with the terms and conditions of the regulatory permit or any conditional use permit issued in connection therewith.
- f. Any act which would be considered grounds for denial of the regulatory permit in the first instance.
- g. Failure to reasonably comply with the recommendations and action items identified on the City's monitoring and compliance reports.

(2) *Employee permit.* The Police Chief may suspend or revoke an employee permit when the permittee or the employee has committed any one or more of the following acts:

- a. Any act which would be considered a ground for denial of the permit in the first instance.
- b. Violates any provision of this section, the Act, or any other applicable law relating to the ~~marijuana-cannabis~~ operation.
- c. Violates or fails to comply with the terms and conditions of the employee permit.

(3) Procedures for revoking regulatory permits. For regulatory permits, the procedures for revoking conditional use permits shall be utilized except that the matter shall be heard by the City Council in the first instance, and shall be subject to the same judicial process as applied to a conditional use permit.

(See, Coalinga Municipal Code Section 9-6.114, Effective dates, expiration, extensions, modifications, and revocation of approvals).

(4) *Procedures for revoking employee permits.* Prior to suspension or revocation of an employee permit, the Police Chief shall conduct a hearing. Written notice of the time and place of such hearing shall be served upon the permittee at least five (5) calendar days prior to the date set for such hearing. The notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending the permit. Notice may be given either by personal delivery or by certified

U.S. mail, postage prepaid. Any permittee aggrieved by the decision of the Police Chief in suspending or revoking an employee permit shall have no appeal rights and the Police Chiefs decision shall be final, subject to judicial review as set forth in this section.

(5) *Immediate suspension.* The Police Chief may immediately suspend or revoke a regulatory permit and an employee permit without notice or a hearing, subject to the appeal rights set forth herein, under either of the following circumstances:

a. The business owner or operator is convicted of a public offense in any court for the violation of any law which relates to the ~~marijuana-cannabis~~ operation, or in the case of an employee permit, the employee is convicted of a public offense in any court for the violation of any law which relates to the permit.

b. The Police Chief determines that immediate suspension is necessary to protect the public health, safety, and welfare of the community. The Police Chief shall articulate the grounds for the immediate suspension in writing and the suspension shall only be for as long as necessary to address the circumstances which led to the immediate suspension.

(p) *Effect of denial or revocation.* When the City Council shall have denied a regulatory permit or revoked a regulatory permit, or the Police Chief shall have denied or revoked an employee permit, no new application for a regulatory permit and no new application for an employee permit shall be accepted and no regulatory permit or employee permit shall be issued to such person or to any corporation in which he or she shall have any beneficial interest for a period of one year after the action denying or revoking the regulatory permit or employee permit.

(q) *Abandonment.* In addition to the suspension or revocation of a regulatory permit, a regulatory permit shall be deemed abandoned if ~~marijuana-cannabis~~ operations cease for a period of more than ninety

(90) consecutive days. Before restarting operations, a new regulatory permit shall be secured. The ninety-day period shall be tolled during periods of force majeure, which shall be defined as follows: war; insurrection; strikes; lock-outs; riots; floods; earthquakes; fires; casualties; supernatural causes; acts of the "public enemy"; epidemics; quarantine restrictions; freight embargoes; lack of transportation;

unusually severe weather; inability to secure necessary labor, materials or tools; delays of any contractor, subcontractor or supplier; or any other causes beyond the reasonable control of the permittee.

(r) *Water availability.* As a condition of opening for business, the premises owner, business owner, operator, and all responsible parties shall be deemed to have acknowledged and agreed to the following if the ~~marijuana-cannabis~~ operation is connected to the City's water system.

The City's source of water comes through a contract with the Bureau of Reclamation ("Bureau"). The Bureau has indicated that it will report the use of City water for ~~marijuana-cannabis~~ operations to the Department of Justice. While the City believes that supplying water to the site does not impair the Bureau contract, should the Bureau, Department of Justice, or other governing agency take actions affecting the City's Bureau contract because of the ~~marijuana-cannabis~~ operation, the City may be forced to curtail or commingle water supply to the Site. Under those circumstances, the ~~marijuana-cannabis~~ operation may be required to find alternative sources of water supply. If that happens, the City agrees to work with the premises owner, business owner, and operator to find an alternative water source, which may include the commingling of water, accessing a well, or having water delivered to the site by separate contract, but the City cannot provide any guarantees. The premises owner, business owner, and operator assume all risk associated with water supply to the Site, including all costs associated therewith. The premises owner, business owner, operator, and all responsible parties shall hold harmless, release, indemnify, and defend the City, its officers, employees, and agents, from any liability associated with the curtailment of water because of the foregoing. This release includes any damages to the premises owner, business owner, operator, and all responsible parties, its employees and contractors, and third parties, and includes the risk of lost revenue, profits and consequential damages.

(s) *Fees and taxes.* All ~~marijuana-cannabis~~ operations shall pay applicable fees and taxes, which may include one or more of the following.

(1) *Business license fee.* The business owner shall at all times maintain a current and valid business certificate and pay all business taxes required by Title 3, Chapter 1, of the Coalinga Municipal Code pertaining to business licensing.

(2) *Regulatory license fee.* The business owner shall pay an annual regulatory license fee ("regulatory fee") to cover the costs of anticipated enforcement relating to the ~~marijuana-cannabis~~ operation. The amount of the fee shall be set by resolution of the City Council and be supported by the estimated additional costs of enforcement and monitoring associated with the ~~marijuana-cannabis~~ operation. The regulatory fee shall be due and payable prior to opening for business and thereafter on or before the anniversary date. The regulatory fee may be amended from time to time based upon actual costs.

(3) *Revenue raising fee.* An annual revenue raising fee ("revenue fee") for the privilege of having the right to operate in the City.

### *Revenue Fee Finding*

The City Council specifically finds that it is approving this section allowing commercial ~~marijuana-cannabis~~ operations to open in the City on the express understanding that the business will pay the revenue fee to the City as set forth herein, and that without the revenue fee, the City Council would not have adopted this section allowing commercial ~~marijuana-cannabis~~ operations to open in the City. By opening a commercial ~~marijuana-cannabis~~ operation in the City, the premise owner, business owner, operator, and all responsible parties agree that if the revenue fee is challenged by any one of them or a third party and set aside, the business must cease operations.

a. *Amount of fee and terms of payment.* The revenue fee shall be an annual fee of twenty- five (\$25.00) per square foot for the first 3,000 square feet and ten dollars (\$10.00) per square foot for the remaining space utilized in connection with each commercial ~~marijuana-cannabis~~ operation. The square footage calculation shall be determined by including all portions of the premises under the control of the business owner and deducting therefrom driveways, sidewalks, landscaping, vacant unused space, areas used exclusively for office space, employee break rooms, restrooms, and storage space unrelated to the commercial ~~marijuana-cannabis~~ operation (such as a janitorial closet).

In addition to the foregoing, for cultivation operations the total under canopy square footage shall be included in the square footage calculation.

If more than one commercial ~~marijuana-cannabis~~ operation operates on the premises, whether within a single building or multiple buildings, each regulatory permit holder shall be responsible for paying the fee. The fee shall be payable in advance, in not less than quarterly installments, with the first quarterly payment due prior to issuance of a certificate of occupancy. The first payment shall be prorated so that future payments coincide with calendar year quarters, but in no event shall the first payment be less than the equivalent of one full quarterly payment. Except for the first quarterly payment, all quarterly payments shall be received by the City before the end of the quarter.

b. *Alternative voter approved tax.* If the voters of the City approve a tax rate which is equivalent to the revenue fee, the business owner shall pay the tax in lieu of the revenue fee, or portion thereof, once the City begins to collect the tax revenue. In no event shall the business owner be required to pay more than the revenue fee.

(t) *Record keeping.* The responsible party shall make and maintain complete, accurate and legible records of the permitted ~~marijuana-cannabis~~ operations evidencing compliance with the requirements of this section. Those records shall be maintained for a minimum of five (5) years and shall be accessible to the City of Coalinga upon request.

(u) *Inspection.* ~~Marijuana-Cannabis~~ operations shall be open for inspection by any City law enforcement officer or City code enforcement officer at any time the ~~marijuana cannabis~~ operation is operating, at any other time upon responding to a call for service related to the property where the ~~Marijuana-Cannabis~~ operations is occurring, or otherwise upon reasonable notice. Recordings made by security cameras at any ~~marijuana-cannabis~~ operation shall be made immediately available to the Police Chief upon verbal request. No search warrant or subpoena shall be needed to view the recorded materials.

(v) *Indemnification.* In authorizing commercial ~~marijuana-cannabis~~ operations under this section, the City makes no guarantees or promises as to the lawfulness of the approved activity under State or Federal law, and the business owner, operator and all responsible parties are obligated to comply with all applicable laws. To the fullest extent permitted by law, the City shall not assume any liability whatsoever with respect to the adoption of this section or the operation of any commercial ~~marijuana-cannabis~~ operation approved pursuant to this section or under State or federal law. The business owner, operator and all responsible parties shall defend, hold harmless, release, and indemnify the City, its agents, officers, and employees, from any liability associated with the approved use or adverse determinations made by the State or Federal government. An adverse determination could include cessation of operations.

The business owner agrees to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge related to commercial ~~marijuana-cannabis~~ operations operating under the authority of this section. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the permittee of its obligation hereunder.

If requested by the City Attorney, the business owner shall execute an agreement memorializing the requirements of this subsection.

(w) *Insurance.* The business owner shall at all times carry a comprehensive general liability policy in the minimum amount of one million dollars (\$1,000,000.00) combined single limit policy, as shall protect the business owner and city from claims for such damages, and which policy shall be issued by an "A" rated insurance carrier. Such policy or policies shall be written on an occurrence form. The City Manager, in consultation with City's Risk Manager, may allow the business owner to obtain lesser amounts of insurance where multiple business Owners are operating on the premises, provided at all times the minimum insurance set forth herein is applicable to the ~~marijuana-cannabis~~ operations.

The business owner shall furnish a notarized certificate of insurance countersigned by an authorized agent of the insurance carrier on a form approved by City setting forth the general provisions of the insurance coverage. This countersigned certificate shall name City and its respective officers, agents, employees, and volunteers, as additionally insured parties under the policy, and the certificate shall be accompanied by a duly executed endorsement evidencing such additional insured status. The

certificate and endorsement by the insurance carrier shall contain a statement of obligation on the part of the carrier to notify City of any material change, cancellation or termination of the coverage at least thirty (30) days in advance of the effective date of any such material change, cancellation or termination.

Coverage provided hereunder by the business owner shall be primary insurance and not be contributing with any insurance maintained by City, and the policy shall contain such an endorsement. The insurance policy or the endorsement shall contain a waiver of subrogation for the benefit of City.

(x) Bond Requirement. The applicant shall provide proof of a bond in the amount of twenty-five thousand dollars (\$25,000) to cover the costs of destruction of cannabis or cannabis products if necessitated by a violation of licensing requirements.

(y\*) Violations: Enforcement.

(1) Any person that violates any provision of this section shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.

(2) Any use or condition caused or permitted to exist in violation of any of the provisions of this section shall be and is hereby declared a public nuisance and may be summarily abated by the City pursuant to the City of Coalinga Municipal Code.

(3) Any person who violates, causes, or permits another person to violate any provision of this section commits a misdemeanor.

(4) The violation of any provision of this section shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of City, create a cause of action for injunctive relief.

(5) In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this section may be subject to an administrative fine of up to one thousand dollars (\$1,000.00) for each violation and for each day the violation continues to persist.

(zy) Severability. The provisions of this section are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this section or of the regulatory permit issued pursuant to this section, or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this section.

(aaz) Judicial review. Judicial review of a decision made under this section or any actions taken pursuant to this section, may be had by filing a petition for a writ of mandate with the superior court in accordance with the provisions of the California Code of Civil Procedure Section 1094.5. Any such petition shall be filed within ninety (90) days after the day the decision becomes final as provided in California Code of Civil Procedure Section 1994.6, which shall be applicable for such actions.

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE  
AUTHORITY**

**Subject:** Approve MINUTES - August 3, 2017  
**Meeting Date:** September 7, 2017  
**From:** Marissa Trejo, City Manager  
**Prepared by:** Wanda Earls, City Clerk

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**I. RECOMMENDATION:**

**II. BACKGROUND:**

**III. DISCUSSION:**

**IV. ALTERNATIVES:**

**V. FISCAL IMPACT:**

**ATTACHMENTS:**

	File Name	Description
▣	MINUTES_080317.pdf	Minutes - August 3, 2017

# Minutes

## **CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY MEETING AGENDA August 3, 2017**

### **1. CALL TO ORDER (6:10 PM)**

Council Members Present: Vosburg, Raine, Ramsey, Stolz (Lander Absent)

Others Present: City Manager Marissa Trejo, City Attorney Mario Zamora, Community Development Director Sean Brewer, Finance Director Jasmin Bain, Assistant to the City Manager Shannon Jensen, Senior Administrative Analyst Mercedes Garcia, Public Works and Utilities Director Pete Paciado, Community Economic Coordinator Edith Sanchez, Police Chief Michael Salvador, Fire Chief Dewayne Gabriel, Treasurer James Vosburg, City Clerk Wanda Earls and many Police Officers were present.

### **2. AWARDS, PRESENTATIONS, APPOINTMENTS AND PROCLAMATIONS**

1. Presentation by Fresno County Economic Development Corporation, Jacob Villagomez

Ms. Nickki Newsome, Ms. Amanda Bosland, Mr. Jacob Villagomez representing the Fresno County Economic Development Corporation were present. They gave a PowerPoint presentation depicting their organization and what it does:

- Mission
- Expansion and Retention Incentives
- Business Attraction
- Targeted Outreach
- Coalinga Economic Profile
- Real Estate Forecast Publication
- Coalinga Economic Snapshot:
  - Kmart Closure Project;
    - Current lot has closed escrow
    - Buyer is marketed by large national real estate firm
- ICSC Attendance:
  - City officials were able to connect with various companies, organizations about locating operations to Coalinga
  - EDC/Coalinga joint outreach and follow-up on attractive leads
- Business Support Services:



- The Fresno EDC has engaged 10 businesses and has made 24 referrals for business assistance.
- Global Cities Initiative

Mayor Vosburg said we are industry and business specific and Number 1 is Cannabis. We need to build on retention.

We have an airport with surrounding properties. Shipping out is an advantage. He entertains having lunch with Ms. Newsome to discuss all the opportunities Coalinga has to offer.

Ms. Newsome indicated she is pleased to have lunch with him and discuss marketing strategies for Coalinga.

Council Member Ramsey said incentives do work and we have business incentives.

### **3. CITIZEN COMMENTS**

Mr. John Anderson is here to honor your Police Department for 90 years of service to this community. You have always had an outstanding Police Department.

He presented a beautiful plaque from Senator Anthony Cannella's Office honoring the 90<sup>th</sup> Anniversary of the Coalinga PD.

He congratulated many accomplishments of the Coalinga PD including their taking control following the 161 vehicles accident near Harris Ranch, where there were 17 fatalities, until the CHP could arrived to handle the scene.

Chief Salvador thanked Mr. Anderson for the beautiful plaque and for his support of him over the years.

Mayor Vosburg acknowledges the success of the National Night Out honoring law enforcement. He thanks Ms. Sanchez and the City Manager for a job well done as well as those participating in the event.

Speaker (could not understand her name) expressed concerns and supports Council Member Lander's efforts to insure that any tax incentive (1% Sales Tax Increase for Law Enforcement) be accountable and used only for the public safety.

Mr. Chris Macaluso, CANNA Agency said he is a registered voter and lives in the City. Cannabis has not delivered; it will take some time. He drove 300 miles to attend 10 meetings. Some of you are pointing fingers at us. He will take an opportunity to help provide a solution.

Questions:

- Cannabis finance and criminal risk?
- How would you explain budgeting?

- How many living here have received a cost of living increase?
- What have I done for my community?
  - Know the facts and do your research.
  - Open your wallet locally and pledge.
  - Ask yourself, where would Coalinga be without the Cannabis industry?
  - Stop blaming the Cannabis industry.
  - Be thankful for services within your means.

Ms. Terri Yanez said to Mr. Macaluso he gave a good speech. We are gun shy; the prison came to town saying there would be a lot of people moving to town and promised other incentives which did not happen. The same happened with the State Hospital. We are gun shy.

Mr. Greg Cody said he disagrees. City staff never said this would happen overnight. The community was not misled or lied to. PG&E has had difficulty supplying the power needed to the Cannabis industry.

Everyone is on same page for PD.

City Attorney indicated that changes have been made to Resolution as requested.

#### **4. PUBLIC HEARINGS (NONE)**

#### **5. CONSENT CALENDAR**

Council Member Stolz pulled Items 6 and 12 for explanation.

Mayor Vosburg pulled Item 10 for explanation.

1. Approve MINUTES - July 7, 2017 (Amended)
2. Check Register: 6/01/2017 - 6/30/2017
3. Waive Second Reading and Adopt Ordinance No. 803 Adding Section 9-5.126(g) to Include Permit Exemptions and Standards for Temporary Fundraising Carwashes
4. Receive Report and Approve Commercial Cannabis Regulatory Permit for Hi Tone Inc.
5. Receive Report and Approve Commercial Cannabis Regulatory Permit Cal State Distribution and Transportation
6. Consideration of Resolution No. 3781 by the City Council declaring Priorities for Sales Tax Spending

Mayor Vosburg read the entire Resolution No. 3781 for the benefit of the citizens of Coalinga so there is a clear understanding of where the proceeds from a 1% Sales Tax increase would be spent.

7. Adopt Resolution No. 3782, Promissory Note for Fire Department to Fund Participation in the Intergovernmental Transfer Program
8. Authorize City Manager to Enter into Agreement with Tri City Engineering to Provide Construction Management Services for the Jayne Avenue Water Main Project
9. Authorize City Manager to Enter into Agreement with Seneca Resources for Out-Of-City Water Services
10. Authorize City Manager to Approve Lease Contract between the City of Coalinga and Thrive Ministries for Address 148 W. Elm Street

City Manager Trejo said a minimum monthly rent of One Thousand Seven Hundred Eighty-Eight and 75/100 Dollars (\$1,788.75), which is equivalent to forty-five cents (\$0.45) per gross square foot of leased space shall be paid by Lessee to Lessor commencing October 1, 2017.

Mayor Vosburg said he asked for a report on all the City's buildings available for rent. Thanks to Edith and city manager we are bringing in \$21,405 annually to the General Fund.

The Court House is rented for \$12K annually. This rent is budgeted.

11. Public Works & Utilities Monthly Report for July 2017

12. Economic Development Monthly Report -July 2017

Economic Development Coordinator Edith Sanchez gave her monthly report. She acknowledged those helping and participating in the National Night Out and also those helping with Farmer's Market. Also, a Barbeque Place is looking at coming to Coalinga. She is working on getting 148 W. Elm ready.

*Motion by Raine, Second by Ramsey to Approve Consent Calendar Items 1, 2, 3, 4, 5, 7, 8, 9 and 11. Motion **Approved** by a Roll-call 4/0 Majority Vote. (Lander absent)*

*Motion by Ramsey, Second by Raine to Approve Consent Calendar Items 6, 10 and 12. Motion **Approved** by a Roll-call 4/0 Majority Vote. (Lander absent)*

## **6. ORDINANCE PRESENTATION, DISCUSSION AND POTENTIAL ACTION ITEMS**

1. Council Direction Regarding the Attendance of the ACCAPS 2017 Legislative Summit on August 23, 2017 in Sacramento, California  
**Marissa Trejo, City Manager**

City Manager Trejo said staff has no opinion on this item. It is an inquiry whether any members of the Council would like to attend the Association of California Cities Allied with Public Safety (ACCAPS) Summit on Wednesday, August 23, 2017 in Sacramento.

*After some discussion the direction is that Council Members Stolz, Ramsey and Lander (if he so desires to attend) would attend the Summit. (Lander absent)*

2. Discussion, Direction and Potential Action regarding the Exclusive Authorization and Right to Sell between the City of Coalinga and Mid State Realty and Approval of Addendum

**Marissa Trejo, City Manager**

City Manager Trejo presented the staff report and recommends approving the Addendum to the Exclusive Authorization and Right to Sell between the City of Coalinga and Mid State Realty through December 31, 2017.

*Motion by Ramsey, Second by Stolz to Approve Exclusive Authorization and Right to Sell Between the City of Coalinga and Mid State Realty and Approve Addendum through December 31, 2017. Motion **Approved** by a Roll-call 4/0 Majority Vote. (Lander absent)*

## **7. CITIZEN COMMENTS**

Ms. Terri Yanez commented something about how a recent fire started. (Her complete comment cannot be understood.)

Ms. Deanna Lander commented about the 1% Sales Tax. (The last of her comment cannot be understood.)

## **8. ANNOUNCEMENTS**

City Manager Trejo expressed her thanks for the National Night Out and for those who participated. She especially thanks the PD and FD and Public Works for their hard work and participation. This was done at no cost to the City and through lots of donations via the community. It was a free event with free food and lots of fun for everyone.

Community Development Director Sean Brewer gave an update on Dispensary and Ordinance.

There is a need to adopt an ordinance that includes a regulatory framework for permitting a single Cannabis facility within the Retail Cannabis Overlay District and the establishment of specific physical and financial security requirements for Cannabis Retail Facilities. There are various amendments to the City's current Commercial Cannabis Operations Ordinance (Section 9-5.128) in accordance with the MAUCRSA and consideration of an environmental determination (notice of exemption) for the adoption of said ordinance.

Since the adoption of Ordinance No. 797, the Governor of California signed legislation (Senate Bill 94) into law that consolidates the Medical Cannabis Regulation and Safety Act (MCRSA) and the Adult Use Marijuana Act (AUMA or also known as Proposition 64) now referred to as the Medicinal Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). With the approval of Senate Bill 94, various sections of the City's CCO ordinance regulations require slight amendments to maintain uniformity with current state law.

There were several global changes to Ordinance No. 797 such as:

- Referring to marijuana as “cannabis” as this has been determined to be the official term.
- Changes in reference to the current law as the Medicinal Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) as the current law from its previous name as the Medical Cannabis Regulation and Safety Act (MCRSA).
- Updates to Definitions as amended by State Law.
- Renaming of license types
- Removal of various prohibitions that are no longer prohibited under current state law.
- Updates to the grounds for denial of a regulatory permit and employee permit to be consistent with existing state law.
- Removal of revenue raising fee section since the square foot tax was passed in November of 2016.
- Addition of the Bond Requirement to cover costs for the destruction of cannabis or cannabis products if necessitated by a violation of the licensing requirements.

The changes reflected in Section 9-5.128 are located in SECTION 2 of Draft Retail Ordinance.

In addition to changes in SECTION 2 of the draft ordinance related to commercial cannabis operations, SECTION 3 of the attached draft ordinance reflects the changes in the land use table to identify permitted uses for each commercial cannabis land use classification and the additional development regulations associated with that use classification. Cannabis cultivation is categorized as “crop cultivation” and all other cannabis use classifications, including retail facilities, are classified as “Industry, Limited”.

Council Member Stolz said she is working on a Fireworks Show for June 30<sup>th</sup> of next year. She is partnering with businesses for donations to include Chris Macaluso.

Mayor Vosburg said he was invited to a Meet and Greet with Lt. Gov. Gavin Newsom. He said he would attend but he wanted to talk. He thanked him for Prop 64 and AB 209 & Prop 47. Prop 63 should help with petty crime in Coalinga and for repeat offenders.

Council Member Stolz attended the Meet and Great.

Article in Fresno Bee was not truthful and misleading. He fights for Coalinga.

He attends COG Meetings and Regional Transportation Committee Meetings. There is a lot of stuff for Fresno and Clovis. Big achievement is that bridge is finally going to be fixed.

Mercedes reported on survey on Dial-a-ride. We need increases to Dial-a-rides.

Mayor Vosburg said he is holding their feet to the fire. There is transportation from Coalinga to Fresno. He is holding their feet to the fire for Huron, etc. How does someone get home after being taken by ambulance to the hospital?

He announced the completion of the Summer Reading Program at the Library. There will be prizes and lots of fun. Next movie is Beauty and the Beast.

## **9. FUTURE AGENDA ITEMS**

Mayor Pro-tem Raine said he will be coming forth with some future businesses here in town.

Mayor Vosburg indicated that our General Fund's budget is 80/20. He wants a quarterly update. It should help with making decisions. The public needs to know and needs access to this budget report information.

## **10. CLOSED SESSION**

1. REAL PROPERTY NEGOTIATIONS - Government Code Section 54956.8. CONFERENCE WITH REAL PROPERTY NEGOTIATORS. PROPERTY: APN: 070-041-17ST (portion) located in the City of Coalinga near the Highway 33 and Gale Avenue. CITY NEGOTIATORS: City Manager, Marissa Trejo; and City Attorney, Mario Zamora. NEGOTIATING PARTIES: Latchkey Pioneers, LLC. UNDER NEGOTIATION: Price and Terms of Payment
2. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of Section 54956.9: 1 case

## **11. ADJOURNMENT (7:29 PM)**

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Nathan Vosburg, Mayor

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City Clerk/Deputy Clerk

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Date

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE  
AUTHORITY**

**Subject:** Approve MINUTES - August 17, 2017  
**Meeting Date:** September 7, 2017  
**From:** Marissa Trejo, City Manager  
**Prepared by:** Wanda Earls, City Clerk

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**I. RECOMMENDATION:**

**II. BACKGROUND:**

**III. DISCUSSION:**

**IV. ALTERNATIVES:**

**V. FISCAL IMPACT:**

**ATTACHMENTS:**

	File Name	Description
▣	MINUTES_081717.pdf	Minutes - August 17, 2017

# **Minutes**

## **CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY MEETING AGENDA August 17, 2017**

### **1. CALL TO ORDER (6:00 PM)**

Council Members Present: Vosburg, Ramsey, Lander, Stolz (Raine Absent)

Others Present: City Manager Marissa Trejo, City Attorney Mario Zamora, Community Development Director Sean Brewer, Senior Administrative Analyst Mercedes Garcia, Public Works and Utilities Director Pete Paciado, Police Chief Michael Salvador, Fire Chief Dewayne Gabriel, City Treasurer James Vosburg, City Clerk Wanda Earls

Changes to the Agenda: Items 2.2 and 6.2 were pulled due to absence of presenters. Our auditor had to have emergency surgery. These items will be placed on the next Council agenda.

### **2. AWARDS, PRESENTATIONS, APPOINTMENTS AND PROCLAMATIONS**

1. Mid Valley Disposal - 2nd Quarter Report, Isaac Kulikoff

Mr. Isaac Kulikoff gave the quarterly report for Mid Valley Disposal to include the following:

- Earth Day and Story Hour
- Week of the Young Child
- Commercial Waste Assessments
- Quarter 2 Tonnage Report

The Fall Clean-up was announced as being November 4<sup>th</sup> from 7:00 AM to 3:30 PM. Hot dogs, chips and sodas will be available.

Senior Administrative Analyst Mercedes Garcia reported that the County has approved the Tire Grant.

2. Presentation of the Fiscal Year 2014-2015 Audited Financial Statements by the City Auditor

This Item was pulled due to absence of City Auditor.

### **3. CITIZEN COMMENTS (NONE)**

### **4. PUBLIC HEARINGS (NONE)**



## 5. CONSENT CALENDAR

1. Authorize the City Manager to Enter into an Annual Contract with Telstar, Inc., ClorTec to Service On-Site Sodium Hypochlorite Generation Systems at the Water Treatment Plant
2. Adopt Resolution No. 3783 Authorizing Investment of Monies in the Local Agency Investment Fund

Council Member Lander pulled 5.2 for explanation.

Senior Administrative Analyst Mercedes Garcia reported this allows the City to make investments and allows for investments at the highest interest earned. It is necessary due to name changes on accounts.

3. Receive Report and Approve Commercial Cannabis Regulatory Permit Evergreens Services LLC
4. Receive Report and Approve Commercial Cannabis Regulatory Permit Cannabinoid Systems
5. Receive Report and Approve Commercial Cannabis Regulatory Permit Green Stripe Services
6. Receive Report and Approve Commercial Cannabis Regulatory Permit Cal State Agriculture Testing
7. Authorize Staff to Relocate the Animal Shelter from the Claremont Facility to the Former City Hall behind the Old Courthouse

Council Member Stolz pulled Item 5.7 for explanation.

Police Chief Salvador:

Approval will allow staff to relocate animal control and shelter from the Claremont facility to a portion of the former city hall and police department property behind the old courthouse.

The Police Department performs the animal control function for the City. It currently uses a shelter facility housed at the former Claremont Custody center. This facility was not designed or built to be accessible by the general public. It is cost prohibitive to upgrade the facility. The maintenance burden has increased to the point that a new solution is needed.

After examination of potential locations, Staff has identified a possible solution to meet the needs of the Police Department. Space has been identified in the former courthouse/ city hall complex that may be suitable to be converted into an animal shelter. This location does not suffer from the issues found at the Claremont facility. The identified area would allow for sufficient access that with proper personnel, the Shelter could begin adoption activities.

Comments:

- Budget \$75K
- Old Court Yard accessible
- Service problem at old shelter
- Public access at Court House
- \$200K for new public road to old shelter
- Bathrooms require ADA updates
- Court House should accommodate 8-10 large dogs and 10-15 small dogs and 10-12 cats. It is doable.
- Plumbing
- Noise
- There are buffer zones between Thrive and dog shelter
- Old finance area for holding dogs
- Odor and Sound
- New equipment with removable trays and swivel out feed containers
- When SPCA was here they spoke about not trapping animals
- Need Public Service Announcement regarding what to do if you see animals on streets. Leave them to go home. Don't trap them.
- Need PSA's repetitive over and over
- Feral cat program – report for next meeting. It would be more efficient for staff.

Mr. Greg Cody indicated to salvage the air conditioner at the old shelter. Need new equipment.

8. Direct Staff to provide Quarterly Expense Reports for all Departments beginning the First City Council Meeting in October and Recurring Every Quarter Thereafter
9. Police Department Monthly Report

Council Member Stolz pulled Item 5.9 for presentation.

Police Chief Salvador:

The Department has been extremely busy this summer with major cases. The investigations unit completed a major narcotics investigation that was supplying Coalinga dealers. The unit was able to interdict and seize 5 pounds of methamphetamine that was being delivered to the area the case is ongoing and the federal government is interested.

Gang violence in the area is increasing with the Department investigating 3 shootings in a 4-week period. In all three cases information, has been difficult to come by due to the nature of the involved persons. The most serious was the shooting of a 10-year-old boy. The child has a long recovery road ahead of them. Although arrests have been made, the case is still under investigation. The Department would like to thank all the residents that provided information. The Department is continuing its operations targeted at gang activity and parole and probation compliance. Two operations have been completed and several arrests for a variety of offences, warrants, and violations of parole or probation have occurred.

The Department has finished the deployment of its new Computer Aided Dispatch and Records management system. This system was paid for by the revenue provided by the commercial cannabis industry. The system will allow the tracking of the new industry licensing, all criminal

records, CCW's, and animal control. The goal is to provide timely information to officers to make them more efficient. All personnel received 2 days of training on the operation and use of the new system. The system also provides a GPS capability that when fully deployed will allow dispatchers the ability to dispatch calls to the closest unit to minimize response times. I want to thank the Council, Chris Macaluso and the Cannabis Industry, Sun Ridge Systems, the CPD implementation team and all the staff at CPD for making this important project come to life.

Change Homicide 0.00%  
Rape -25.00%  
Robbery 75.00%  
Aggravated Assault 62.16%  
Simple Assault -31.25%  
Burglary 60.00%  
Theft 42.86%  
Auto Theft -25.00%  
Total 76 122 37.70%

Coalinga Police Department UCR Statistics  
Second Quarter 2016 Second Quarter  
2017 0 Traffic Accident Statistics: 2nd Quarter 2016 2nd Quarter  
2017 Chance Injury 5 4 -20.00%  
Non Injury 29 33 13.79%  
Total 34 37 8.82%

Communications Center Statistics:  
2nd Quarter 2016  
2nd Quarter 2017 Change 911 Calls 224 232 3.45%  
Business Line CFS 1468 2031 27.72%  
Self Initiated CFS 1332 918 -45.10%  
Traffic Stops 372 735 49.39% Total 3396 3916 13.28%

Gang violence is up. There have been three recent shootings related to gangs. Arrests have been made and warrants served resulting in guns, cocaine etc., being captured. We have mid-level gang activity.

Mayor Vosburg wants to know the number of active permits as to Cannabis.

Police Chief Salvador said we have two active licenses at Claremont and twenty-four approval letters out. All licenses are to be brought back. We have issued 80-plus employee permits.

Council Member Ramsey asked about criminal activity related to the Cannabis industry.

Police Chief Salvador said they have not received a single call in reference to Claremont. Mayor Vosburg asked about the Magic Team. Can Coalinga Huron and Avenal do some enforcement sharing?

Police Chief Salvador said they are waiting to see about the COPS Grant.

Council Member Lander asked about a homeless increase.

Police Chief Salvador said we are seeing more walkers; about 4-7 people.

Council Member Stolz said thank you. You have 19 great people working for you.

Mr. Greg Cody said things coming together for PD and City. The new software system is not just for the Marijuana industry but is beneficial for the City. Citizens can interact with the PD.

Mayor Vosburg said people can call him about budget.

Police Chief Salvador said the Animal Control Unit is still recruiting for its personnel vacancies. I hope to have the positions filled by the end of September. In their absence, the three volunteers have been performing extra duty at the shelter. I want to thank them for their hard work. We are still recruiting for volunteers. If anyone from the public would like more information, please call us at the Police Department.

## **6. ORDINANCE PRESENTATION, DISCUSSION AND POTENTIAL ACTION ITEMS**

1. Discussion, Direction and Potential Action Regarding the Color and Dedication of the Purple Heart Parking Space Located in the Public Parking Area on the Corner of Elm and Sixth

**Marissa Trejo, City Manager**

After discussion, the Council decided on the darker purple color for the Purple Heart Parking Space. A dedication ceremony should be held.

Council Member Lander suggested there are more Purple Heart recipients in the City than we might think. Can we make some type of announcements as we get closer to that time?

Mr. Greg Cody said many veterans don't talk about their experiences regarding the war. We need to reach out to all veterans. He may be able to get the VA representatives to come in and assist us with the dedication.

2. Discussion of Future Business in Coalinga

**Marissa Trejo, City Manager**

This item was pulled due to Mayor Pro-tem Raine being absent.

## **7. CITIZEN COMMENTS (None)**

## **8. ANNOUNCEMENTS**

City Manager Trejo announced the opening today of the Coalinga Neighborhood Resource Center at 160 W. Elm Street which will be providing many services to the Coalinga area to include case management, food distribution, translation services, assistance if filling out applications, etc. support groups, parenting classes, tutoring, victims of violence services, employment referrals and housing services. There next food distribution is August 28 from 9:00 AM to 12:00 PM.

The City received the letter from the County and the tax incentive is going to be Measure “C”.

Council Member Stolz announced that through the help and contributions of Chris Macaluso, Greg Cody and Casey Dalton, 30 school children receive additional school supplies.

Happy Anniversary to our Mayor.

Mayor Vosburg said for everyone to go to the Circus. He attended last year and it was great. Please support them and purchase what they have so they will come back.

Also, he appreciates the comments about the National Night Out being an amazing event. Our citizens want to do it again; they enjoyed meeting the police officers and fireman.

## **9. FUTURE AGENDA ITEMS**

Mayor Vosburg said he would like to see PSA’s regarding dogs and cats and how we should treat strays.

He would appreciate Council Report on our office software, email software, etc. We need to know where we are and where we should be going.

Police Chief Salvador said the Code 3 Group has been working. Dave found some infrastructure deficiencies. He took the liberty to say, “Give us a menu”. Give them some time, about one month, and they will bring this back to you

## **10. CLOSED SESSION**

1. REAL PROPERTY NEGOTIATIONS - Government Code Section 54956.8. CONFERENCE WITH REAL PROPERTY NEGOTIATORS. PROPERTY: APN: 070-041-17ST (portion) located in the City of Coalinga near Highway 33 and Gale Avenue. CITY NEGOTIATORS: City Manager, Marissa Trejo; and City Attorney, Mario Zamora. NEGOTIATING PARTIES: Latchkey Pioneers, LLC. UNDER NEGOTIATION: Price and Terms of Payment

## **11. ADJOURNMENT (7:12 PM)**

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Nathan Vosburg, Mayor

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City Clerk/Deputy Clerk

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Date

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE  
AUTHORITY**

**Subject:** SLESF (COPS) Grant spending plan FY17-18  
**Meeting Date:** September 7th 2017  
**From:** Marissa Trejo, City Manager  
**Prepared by:** Michael Salvador, Chief of Police

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**I. RECOMMENDATION:**

Review and approve SLESF spending plan for Fiscal Year 2017-2018

**II. BACKGROUND:**

This is a yearly report to the Council on the Department's Plan to spend the \$100,000 derived from the State Law Enforcement Supplemental Fund.

**III. DISCUSSION:**

Every year, Cities receive direct grant moneys from the State to supplement law enforcement funding as a result of public safety realignment. The City of Coalinga will receive \$100,000 this year. In previous years the City has used this money to buy and replace equipment needed by the Police Department. This year is no different. Due to the current budgetary climate the Department plans to use its state grant money to do the following:

1. Pay year 2 of a five year lease for the 6 patrol vehicles purchased from McPeak Dodge in FY 16/17 using this same funding source \$50,799.00
2. Complete IT Upgrade started in FY16-17 \$20,000.00
3. Purchase equipment and services needed to upgrade CLETS services \$20,000.00
4. \$10,000 held as carryover against cost overruns or overtime overruns.

**IV. ALTERNATIVES:**

Do not approve the plan, and have staff return with another plan.

**V. FISCAL IMPACT:**

No impact to the general fund.

**ATTACHMENTS:**

File Name	Description
No Attachments Available	

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE  
AUTHORITY**

**Subject:** Declare Surplus Property at City Hall and Donate to Coalinga Neighborhood Resource Center  
**Meeting Date:** Thursday, September 7, 2017  
**From:** Marissa Trejo, City Manager  
**Prepared by:** Marissa Trejo, City Manager

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**I. RECOMMENDATION:**

City Manager recommends declaring the items at City Hall in the Human Resources storage room as surplus and donating them to the Coalinga Neighborhood Resource Center.

**II. BACKGROUND:**

Upon cleaning and reorganizing the storage room, the Human Resources staff located several items that are no longer needed.

**III. DISCUSSION:**

Staff asks the Council to declare the following items as surplus and authorize the donation of these items to the Coalinga Neighborhood Resource Center:

- 2 printers
- 1 Document Holder
- 1 Portable Heater
- 1 Desk Calculator (Broken)
- 2 Computer Screen Stands
- 7 Long Stackable File/Document Holders
- 1 Tape Dispenser
- 1 Post-it/Tape Holder
- 1 Random Cord/Plug-In
- 1 Rolodex for Addresses/Phone Numbers

**IV. ALTERNATIVES:**

**V. FISCAL IMPACT:**

None.

**ATTACHMENTS:**

File Name

Description

No Attachments Available

# **STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY**

**Subject:** Review and Consider Approval of Ordinance No. 805 Religious Facilities (Urgency Ordinance): An Urgency Ordinance of the City Council of the City of Coalinga Amending Section 9-2.502, Table 2.9 related to Religious Facilities as permitted uses within the Public Facilities Zoning Designation in the City Pending the Adoption of a Permanent Ordinance.

**Meeting Date:** September 7, 2017

**From:** Marissa Trejo, City Manager

**Prepared by:** Sean Brewer, Community Development Director

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## **I. RECOMMENDATION:**

City Manager and Community Development Director recommend approval of Urgency Ordinance No. 805.

## **II. BACKGROUND:**

The City Council, at their August 3, 2017 meeting, authorized the City Manager to enter into a lease agreement with Thrive Ministries to occupy 148 W. Elm Street. The intended use of the space at 148 W. Elm was for a religious facility as defined in the Planning and Zoning Code. The initial lease agreement authorized the occupants to begin cleaning and rehabbing the space for future services and various activities conducted by the religious facility. The property is currently zoned public facilities as this space was the previous Civic Center for the old City Hall. Under the current zoning law, religious facilities are not a permitted use within the Public Facilities Zoning Designation. Religious facilities are permitted in all other zones subject to a conditional use permit.

As an urgent fiscal matter, the City Manager directed the City Attorney to prepare an urgency ordinance for the Council to consider to permit, by right, religious facilities within properties/buildings zoned public facilities pending the adoption of a zoning change permitting said use subject to the approval of a conditional use permit.

## **III. DISCUSSION:**

Urgency Ordinance No. 805 achieves the following:

This ordinance allows Public Facilities to be used as religious facilities, as defined in Title 9, Chapter 1, and Article 2 of the Coalinga Municipal Code by adding Religious Facilities as a permitted use to Section 9-2.502, Table 2.9.

Ordinance No. 805 requires a 4/5 vote by the City Council. City Staff will work towards preparing a permanent ordinance that would amend the City Planning and Zoning Code to allow Religious Facilities as a permitted use subject to conditional use permit within Public Facilities Zoning designations. Concurrently, while the zoning amendments are being considered, the occupants of 148 W. Elm Ave will apply for a conditional use permit in order to remain in compliance with the current regulations related to religious facilities located within Public



Facilities zoning designations. In the meantime, once Ordinance No. 805 is approved by the City Council the occupants of 148 W. Elm Ave will be permitted to submit for a business licenses and gain full occupancy as a religious facility.

Below are the findings to facilitate this action:

1. The City Council finds that there is a current and immediate threat to the public peace, health, and welfare, specifically including possible permanent damage to the City's economic interests arising from the potential failure to obtain occupants for unoccupied buildings within the City;
2. The City Council finds that permitting religious facilities to immediately occupy the Public Facilities will further promote the general welfare of the residents and businesses in the City; and
3. As a result of the Ordinance's ability to promote the general welfare in the City of Coalinga, the City Council recommends that this ordinance be adopted.

#### **IV. ALTERNATIVES:**

That the City Council not adopt Ordinance No. 805, and direct City Staff to proceed through the regular ordinance and permitting process.

#### **V. FISCAL IMPACT:**

This action will allow the City to lease out unoccupied buildings that have been siting vacant for a period of time where revenue from such occupants will benefit the General Fund.

#### **ATTACHMENTS:**

File Name	Description
Religious_Facilities_Urgency_Ordinance_No._805.docx	Urgency Ordinance No. 805 - Religious Facilities

## ORDINANCE NO. 805

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA PERMITTING TEMPORARY USE OF PUBLIC FACILITIES AS RELIGIOUS FACILITIES.

**Whereas**, the City of Coalinga Municipal Code regulates the development and uses of zoning districts in the City of Coalinga to promote the public health, safety, and general welfare of the community;

**Whereas**, the City is developing a city-wide strategy that focuses on decreasing the number of unoccupied public buildings in the City of Coalinga;

**Whereas**, decreasing the number of unoccupied public buildings will positively impact the aesthetics and community character;

**Whereas**, the City Council desires, on an urgency basis to obtain occupants for unoccupied public buildings; and

**Whereas**, for the reasons set forth above, the Council declares that this interim ordinance is necessary to promote the general welfare of the community.

THE CITY COUNCIL OF THE CITY OF COALINGA DOES ORDAIN AS FOLLOWS:

### **Section 1.** FINDINGS AND RECOMMENDATIONS:

1. The City Council finds that there is a current and immediate threat to the public peace, health, and welfare, specifically including possible permanent damage to the City's economic interests arising from the potential failure to obtain occupants for unoccupied buildings within the City;
2. The City Council finds that permitting religious facilities to immediately occupy the Public Facilities will further promote the general welfare of the residents and businesses in the City; and
3. As a result of the Ordinance's ability to promote the general welfare in the City of Coalinga, the City Council recommends that this ordinance be adopted.

### **Section 2.** AUTHORITY TO ACT

This interim ordinance is enacted pursuant to the City of Coalinga's general police powers, and Article XI of the California Constitution.

### **Section 3.** INTERIM CHANGES

This ordinance allows Public Facilities to be used as religious facilities, as defined in Title 9, Chapter 1, and Article 2 of the Coalinga Municipal Code by adding Religious Facilities as a permitted use to Section 9-2.502, Table 2.9.

#### **Section 4.** ADDITIONAL REQUIREMENTS

Religious Facilities as defined in article 2, chapter 1 of title 9 of the Coalinga Planning and Zoning Code, shall be a permitted use on an interim basis within the public facilities (PF) zoning designation and must comply with all other consistent provisions of Title 9 of the Coalinga Municipal Code. Funerals or other large gatherings Monday through Friday from 8am – 5pm during the interim ordinance are not permitted.

#### **Section 5.** CONSISTENCY WITH EXISTING CODE

Any provision of the City of Coalinga Municipal Code or appendices thereto, inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

#### **Section 6.** SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every Section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

#### **Section 7.** TERM

The interim ordinance shall be effective for ninety (90) days from the effective date of this ordinance, or until the City Council adopts a new zoning ordinance, whichever comes first.

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**Section 8.** EFFECTIVE DATE

This ordinance shall be effective on September 7, 2017.

This Ordinance was introduced (first reading) by the City Council at its meeting of September 7, 2017, upon motion by \_\_\_\_\_ and was adopted (second reading) by the City Council at its meeting of \_\_\_\_\_, upon motion by \_\_\_\_\_. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST

APPROVED

\_\_\_\_\_  
City Clerk, Wanda Earls

\_\_\_\_\_  
Mayor, Nathan Vosburg

# **STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY**

**Subject:** Authorization from the City Council to proceed with an Rectangular Rapid Flashing Beacon (RRFB) Project at the intersection of Washington and California and further authorizing a budget increase of \$33,000 from Measure “C” flexible funding street funds to be added as part of the annual slurry seal project expected to begin later this year.

**Meeting Date:** September 7, 2017

**From:** Marissa Trejo, City Manager

**Prepared by:** Sean Brewer, Community Development Director

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## **I. RECOMMENDATION:**

Council authorization to approve the RRFB project scope and budget of \$33,000 which will be then included in the slurry seal project bidding documents.

## **II. BACKGROUND:**

On March 16, 2017, the City of Coalinga adopted resolution number 3761 approving the City’s Active Transportation Plan. The Active Transportation Plan envisions Coalinga as a community where bicycling and walking can serve the transportation needs of all users. The Plan made that vision a reality by outlining a strategy to develop a safer and more comfortable walking and bicycling network. The Plan also provides a clear strategy for the development of a comprehensive bicycling and walking network. The Plan seeks to enable and encourage walking and bicycling as a reasonable, feasible, and fun form of transportation through recommended improvements like filling in sidewalk gaps, establishing new bicycling and walking paths, enhancing existing bicycling routes, providing wayfinding, amenities, and establishing secure and reliable bicycle parking.

For future capital improvement programming, the Plan provides a detailed prioritized inventory identifying over 250 projects, a strategy for implementation, potential funding sources, cost estimates that take into account typical design and construction costs, along with long-term maintenance costs, with the goal of making Coalinga a safer and more comfortable city of walking and bicycling. This RRFB project is a part of the list of the 250 projects and a priority as it serves as a critical connection point between our schools. Staff felt since the annual slurry seal project would be located within this area, it would be advantageous to take advantage of the economy of scale.

## **III. DISCUSSION:**

Staff is requesting the Council authorize a budget allocation of \$33,000 from the local Measure C Flexible Street Fund to fund the Rectangular Rapid Flashing Beacon (RRFB) project which would then be included within the scope of work for the annual slurry seal project which is expected to go out to bid in the next month or so.

**What are RRFB’s (Rectangular Rapid Flash Beacons)?**

According to the National Highway Traffic Safety Administration, there were a total of 14,340 pedestrian fatalities and 193,000 pedestrian injuries resulting from pedestrian vehicle crashes nationwide during the 2004-2006 period. Rectangular Rapid Flash Beacons (RRFB) can enhance safety by reducing crashes between vehicles and pedestrians at unsignalized intersections and mid-block pedestrian crossings by increasing driver awareness of potential pedestrian conflicts.

- RRFBs are user-actuated amber LEDs that supplement warning signs at unsignalized intersections or mid-block crosswalks. They can be activated by pedestrians manually by a push button or passively by a pedestrian detection system.
- RRFBs use an irregular flash pattern that is similar to emergency flashers on police vehicles.
- RRFBs may be installed on either two-lane or multi-lane roadways.

#### Potential Benefits

- RRFBs are a lower cost alternative to traffic signals and hybrid signals that are shown to increase driver yielding behavior at crosswalks significantly when supplementing standard pedestrian crossing warning signs and markings.
- An official FHWA-sponsored experimental implementation and evaluation conducted in St. Petersburg, Florida found that RRFBs at pedestrian crosswalks are dramatically more effective at increasing driver yielding rates to pedestrians than traditional overhead beacons.
- The novelty and unique nature of the stutter flash may elicit a greater response from drivers than traditional methods.
- The addition of RRFB may also increase the safety effectiveness of other treatments, such as the use of advance yield markings with YIELD (or STOP) HERE FOR PEDESTRIANS signs. These signs and markings are used to reduce the incidence of multiple-threat crashes at crosswalks on multi-lane roads (i.e., crashes where a vehicle in one lane stops to allow a pedestrian to cross the street while a vehicle in an adjacent lane, traveling in the same direction, strikes the pedestrian), but alone they only have a small effect on overall driver yielding rates.

#### **Scope of work at the intersection of Washington and California**

The City will be installing four Carmanah R920 Solar Powered Rectangular Rapid Flashing Beacons (RRFBs) with Single Light bar and pushbutton, two Carmanah R920 Solar Powered RRFBs with Dual Light bars, one 12" wide yellow thermoplastic crosswalk, one 12" wide white thermoplastic crosswalk, two stop word pavement markings, and two yellow "ladder" style crosswalks. An exhibit is attached for the Council's reference.

#### **IV. ALTERNATIVES:**

Do not authorize staff to proceed with the recommended project scope and budget allocation.

#### **V. FISCAL IMPACT:**

The cost of this project is estimated at \$33,000 (includes a 10% contingency). The funds to be used for this project will come from the Measure "C" Flexible Funding Account (Fund 127) which has available balances to cover the cost of this project.

#### **ATTACHMENTS:**

File Name	Description
2706_Washington_and_California_RRFB_Cost_Estimate.pdf	Engineers Cost Estimate

2706\_Washington\_and\_California\_RRFB\_Exhibit.pdf

RRFB\_on\_Forest\_and\_Second.JPG

Project Scope Exhibit

RRFB Example (Forest Street)



4630 W. Jennifer Ave. Suite 101  
 Fresno, CA 93722-6415  
 (559) 447-9075  
 Fax: (559) 447-9074  
 www.TriCityEngineering.com

## PRELIMINARY ENGINEER'S OPINION OF PROBABLE COST

### City of Coalinga - Washington and California RRFB Installation

Created: **August 28, 2017**

Revised: **August 29, 2017**

#### GENERAL ITEMS

Item No.	Description	Unit	Qty.	Unit Price	Extension
1	MOBILIZATION / GENERAL REQUIREMENTS	LS	1	\$1,500.00	\$ 1,500.00
2	WORKER SAFETY/TRAFFIC CONTROL	LS	1	\$750.00	\$ 750.00
<b>ST-G</b>	<b>GENERAL ITEMS SUBTOTAL</b>			<b>\$</b>	<b>2,250.00</b>

#### STRIPING AND SIGNAGE

Item No.	Description	Unit	Qty.	Unit Price	Extension
3	RECTANGULAR RAPID FLASHING BEACON	LS	1	\$ 25,000.00	\$ 25,000.00
4	TRAFFIC SIGNAGE	LS	1	\$ 1,500.00	\$ 1,500.00
5	THERMOPLASTIC TRAFFIC STRIPING	LS	1	\$ 750.00	\$ 750.00
6	THERMOPLASTIC PAVEMENT MARKINGS	EA	2	\$ 250.00	\$ 500.00
<b>ST-1</b>	<b>STRIPING AND SIGNAGE ITEMS SUBTOTAL</b>			<b>\$</b>	<b>27,750.00</b>

#### SUMMARY OF CONSTRUCTION COST

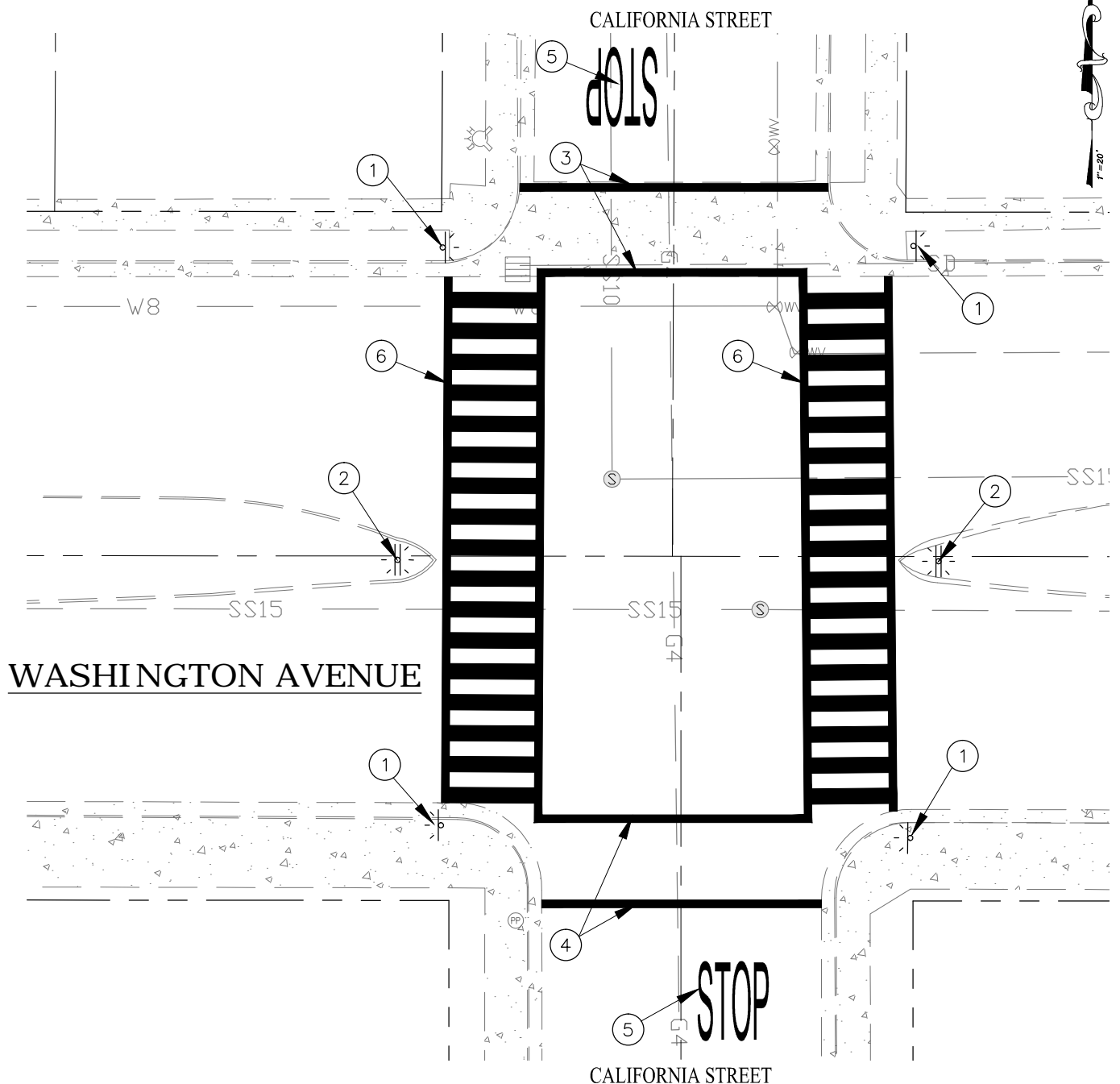
Section	Description	Subtotal
ST-G	GENERAL ITEMS SUBTOTAL	\$ 2,250.00
ST-1	STRIPING AND SIGNAGE ITEMS SUBTOTAL	\$ 27,750.00
	<b>CONSTRUCTION TOTAL</b>	<b>\$ 30,000.00</b>

10% Cont. **\$3,000.00**

**CONSTRUCTION TOTAL + 10% Cont. \$ 33,000.00**



# ADD. ALT. 1 - RRFB AT WASHINGTON/CALIFORNIA



## MARKING/SIGNAGE CONSTRUCTION NOTES:

- ① INSTALL W11-2 AND W16-7P SIGNS ON NEW 2" SCH. 40 GALV. PIPE PER CITY STD. A-11. INSTALL CARMANAH R920 SOLAR POWERED RECTANGULAR RAPID FLASHING BEACON (RRFB) WITH SINGLE LIGHTBAR, BULLDOG PPB PUSH BUTTON ACTUATOR AND MOUNTING HARDWARE FOR 2" SCH. 40 POLE.
- ② INSTALL TWO W11-2 AND TWO W16-7P SIGNS ON NEW 2" SCH. 40 GALV. PIPE PER CITY STD. A-11. INSTALL CARMANAH R920 SOLAR POWERED RECTANGULAR RAPID FLASHING BEACON (RRFB) WITH DUAL LIGHTBARS AND MOUNTING HARDWARE FOR 2" SCH. 40 POLE.
- ③ INSTALL 12" WIDE YELLOW THERMOPLASTIC CROSSWALK STRIPING.
- ④ INSTALL 12" WIDE WHITE THERMOPLASTIC CROSSWALK STRIPING.
- ⑤ INSTALL THERMOPLASTIC "STOP" PAVEMENT MARKING WORD MARKING.
- ⑥ 24" WIDE YELLOW "LADDER" THERMOPLASTIC CROSSWALK STRIPING, PART OF ORIGINAL SCOPE.



**Tri City Engineering, Inc.**  
Engineers      Surveyors

4630 W. Jennifer Ave. #101  
Fresno, CA 93722-6415  
PH: 559-447-9075  
FAX 559-447-9074  
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DATE	APPRVD.	REVISION
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△	_____	_____
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Scale: 1"=20'  
Date: 2017.Aug.29  
Drwn: A.S.  
Chckd: M.M.  
JN#: 2706



03.13.2017

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE  
AUTHORITY**

**Subject:** City Council Authorization for City Manager to Execute an Engineering Task Order for Design and Construction Engineering/Management Services for the Cycle 2 Active Transportation Coalinga Sidewalk Gap Closure and Pedestrian Improvement Project

**Meeting Date:** September 7, 2017

**From:** Marissa Trejo, City Manager

**Prepared by:** Sean Brewer, Community Development Director

---

**I. RECOMMENDATION:**

Staff is seeking authorization from the City Council to authorize the City Manager to execute a design task order and construction engineering task order with the City Engineer, Tri-City Engineering, for services related to the Active Transportation Cycle 2 Grant Project (Sidewalk Gaps) for a total amount not to exceed \$110,000.

**II. BACKGROUND:**

In June, 2016, the City submitted a grant application for a sidewalk gap improvement project through the State of California's Active Transportation Grant Program. The City was later awarded \$322,840 with a local match and local leveraged funds of \$70,000 for a total project cost of \$392,840. The City has been authorized by the State to proceed with design and construction of the identified project in the grant award.

**III. DISCUSSION:**

Staff is seeking Council authorization to proceed with the execution of a design engineering task order and construction engineering task order with the City Engineer to begin designing the sidewalk gap project so that construction may proceed soon thereafter. The task order for all engineering services shall not exceed \$110,000 as prescribed in the grant budget.

The scope of the project includes the installation of sidewalks and curb ramps where they either do not currently exist or are non-compliant. The attached exhibit identifies the project boundaries as prescribed in the grant award and the areas where work will take place. Once the Council authorizes the City Manager to execute the engineering task order for the above work to be completed, staff will proceed with said work and proceed to bid advertisement and construction.

**IV. ALTERNATIVES:**

Do not approve engineering work order to begin design for the Active Transportation Grant project known as ATP Cycle 2 Sidewalk Gaps Improvements – Staff does not recommend.

## V. FISCAL IMPACT:

The engineering task orders totalling \$110,000 will be paid through a combination of grant proceeds, local match (street funds) and committed leveraged funds (street funds). The local match requirement was 11.47% of the grant request and the City included local leveraged funds as documented in the grant application to create a more competitive application. This has all been budgeted in the fiscal year 2017/2018 budget through the Measure “C” Flexible Funding account number 127-422-9896. The general fund will not be effected by this project.

### ATTACHMENTS:

File Name	Description
❑ 2658_ATP_2_Preliminary_Cost_Estimate.pdf	Engineers Cost Estimate ATP Cycle 2
❑ 2658_ATP_2_Project_Exhibit.pdf	ATP Cycle 2 Project Boundaries Exhibit
❑ #2658_Work_Order_Design_Engineering.pdf	TCE Design Task Order
❑ #2658_Work_Order_Construction_Engineering_-_CM.pdf	TCE Construction Engineering Task Order





**PRELIMINARY ENGINEER'S OPINION OF PROBABLE COST**  
**City of Coalinga - ATP Phase II Sidewalk Gap Project**  
**JN 2658**

Created: **July 12, 2017**

Revised: **August 29, 2017**

**GENERAL ITEMS**

Item No.	Description	Unit	Qty.	Unit Price	Extension
1	MOBILIZATION / GENERAL REQUIREMENTS	LS	1	\$ 14,250.00	\$ 14,250.00
2	WORKER SAFETY	LS	1	\$ 500.00	\$ 500.00
3	TRAFFIC CONTROL	LS	1	\$ 2,500.00	\$ 2,500.00
4	DUST CONTROL	LS	1	\$ 1,500.00	\$ 1,500.00
5	CONSTRUCTION SURVEYING	LS	1	\$ 5,000.00	\$ 5,000.00
<b>ST-G</b>				<b>GENERAL ITEMS SUBTOTAL</b>	<b>\$ 23,750.00</b>

**STREET IMPROVEMENT ITEMS**

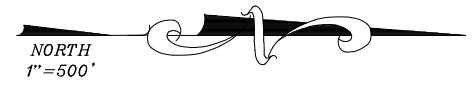
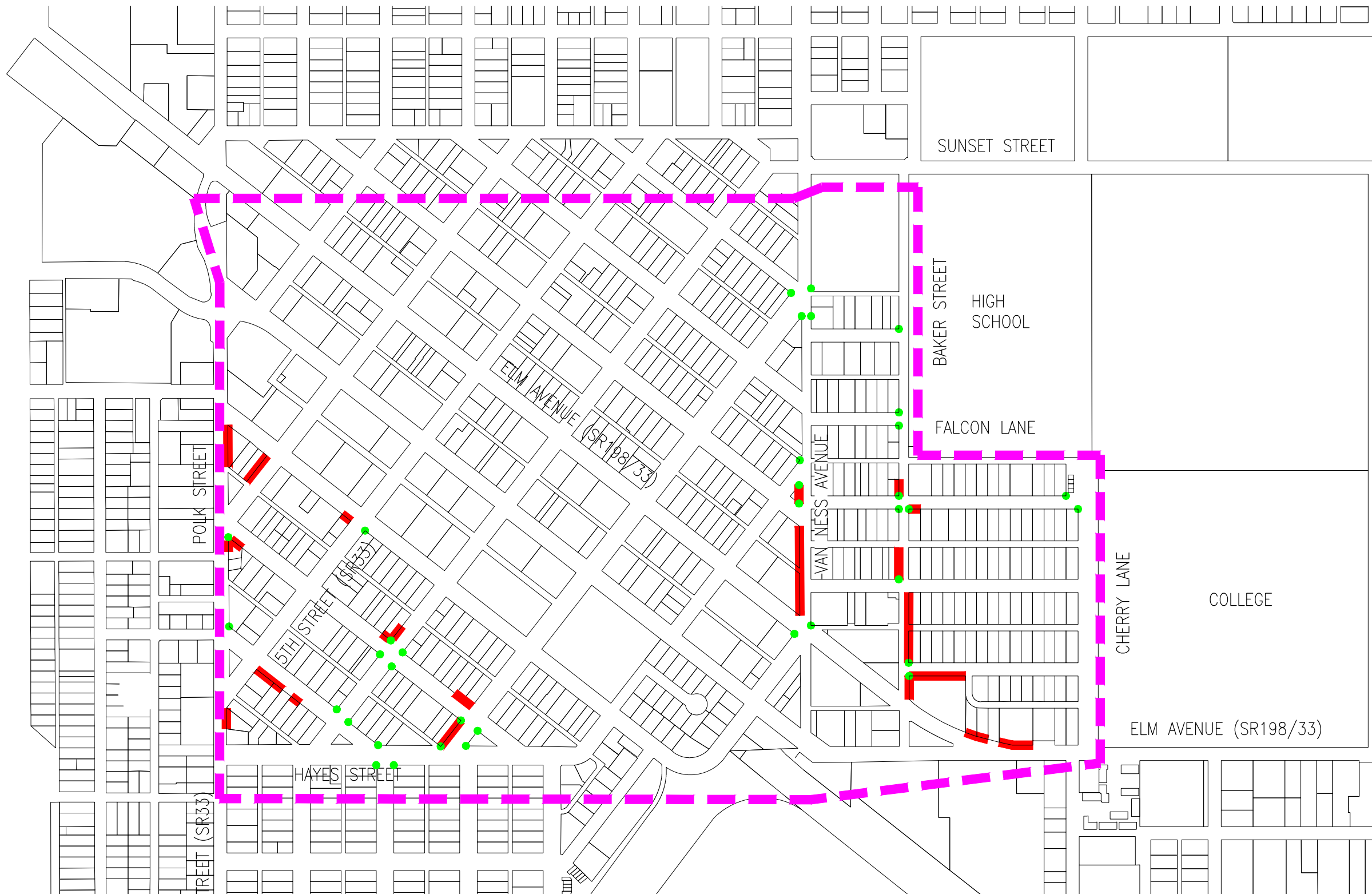
Item No.	Description	Unit	Qty.	Unit Price	Extension
6	CLEARING/GRUBBING/DEMOLITION	LS	1	\$ 8,000.00	\$ 8,000.00
7	CONCRETE CURB RAMP	EA	36	\$ 3,500.00	\$126,000.00
8	CONCRETE SIDEWALK	SF	11,880	\$ 8.00	\$95,040.00
<b>ST-1</b>				<b>STREET IMPROVEMENT ITEMS SUBTOTAL</b>	<b>\$ 229,040.00</b>

**CONSTRUCTION MANAGEMENT**

Item No.	Description	Unit	Qty.	Unit Price	Extension
9	SOILS ENGINEERING R-VALUE/COMPACTION TESTING FEI	LS	1	\$ 4,000.00	\$ 4,000.00
10	ENGINEERING DESIGN SERVICES	LS	1	\$ 70,000.00	\$ 70,000.00
11	VALUE ENGINEERING/CM	LS	1	\$ 40,000.00	\$ 40,000.00
<b>ST-5</b>				<b>CONSTRUCTION MANAGEMENT SUBTOTAL</b>	<b>\$ 114,000.00</b>

**SUMMARY OF CONSTRUCTION COST**

Item No.	Description	Subtotal
ST-G	GENERAL ITEMS SUBTOTAL	\$ 23,750.00
ST-1	STREET IMPROVEMENT ITEMS SUBTOTAL	\$ 229,040.00
ST-5	CONSTRUCTION MANAGEMENT SUBTOTAL	\$ 114,000.00
	<b>CONSTRUCTION SUBTOTAL</b>	<b>\$ 366,790.00</b>
	<b>10% CONTINGENCY</b>	<b>\$ 25,280.00</b>
	<b>CONSTRUCTION TOTAL</b>	<b>\$ 392,070.00</b>




- LEGEND**
- NEW CURB RAMP
  - NEW SIDEWALK
  - - - PROJECT LIMITS

PROJECT LAYOUT MAP FOR:

**ATP CYCLE II**

SIDEWALK GAP CLOSURE & PED IMPROVEMENT PROJECT

COALINGA, CALIFORNIA



**Tri City Engineering, Inc.**  
Engineers Surveyors

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DATE	APPRVD.	REVISION
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△	_____	_____

Scale: 1"=500'

Date: 2017.Aug.29

Drwn: A.S.

Chckd: M.M.

JN#: 2658

## PROFESSIONAL SERVICES WORK ORDER

This agreement entered into the \_\_\_\_\_ day of \_\_\_\_\_, 20 17 between City of Coalinga (hereinafter called the Client) and the Consultant Tri City Engineering (hereinafter called Consultant) for services in connection with the following project: Cycle II ATP Project – Sidewalk Gap Closure. The Client and Consultant's rights, duties, and obligations hereunder will be performed in accordance with the terms and conditions of the Agreement for Professional Services between Client and Consultant dated September 2, 2014 which is fully incorporated herein by reference.

I. Scope of Services. The Consultant's services will consist of the following:

- Construction Coordination; Coordinate administrative, inspection, quality assurance, materials testing activities. Coordinate Contractors pre-construction meeting, project site meetings, punch list, project closeout activities, Staff Report to Council authorizing Notice of Completion/Project Acceptance filing. Coordinate Response to Contractors Request for Information, Construction Clarifications and Project Inspectors Request for Information, Supervise Contractor Construction Site Meetings.
- Coordinate Product Submittals between Contractor and Construction Engineer in compliance with the Project Plans and Specifications.
- Labor Compliance: Perform labor compliance task, including verifying Certified Payrolls, Subcontractor Utilization and Labor Interviews.
- Progress Reports: Review daily progress reports addressing progress of the work, the project schedule to include City Public Works Inspectors provided daily photographs documenting the progress of the work.
- Contract Change Orders: Prepare Change Orders in compliance with the plans and specifications for City of Coalinga approval.
- Progress Payments: Review contractor's initial schedule of values, Reconcile and document items of work in compliance with the plans and specifications; Review monthly progress payments for compliance with Federal funding and City of Coalinga funding procedures for City approval. Maintain Federal Funding reporting compliance in accordance with Caltrans Local Assistance Program Guidelines.
- Construction Inspection: Provide weekly inspection of the construction and the contractors operations. Review daily inspection field reports. Verify actions of the contractor. Clarify the continuity of the work (working days, delays, activities).

II. Additional Services. Any services not specifically provided for under Section I above shall be Additional Services. Only if mutually agreed to in writing by client or consultant shall consultant perform such additional services.

III. Consultant's Compensation. In consideration for Consultant providing the services noted above, the Client agrees to compensate the Consultant as follows:

**\$40,000.00**

Retainer. The Client shall make an initial payment of -0- dollars (\$0.00) (retainer) upon execution of this Agreement. This retainer shall be held by the Consultant and applied against final invoices.

Payment Due. Invoices shall be submitted by the Consultant monthly, are due upon presentation, and shall be considered past due if not paid within ten (10) calendar days of the due date.

Interest. If payment in full is not received by the Consultant within 30 calendar days of the due date, invoices shall bear interest at one-and-one-half (1.5) percent of the PAST DUE amount per month, which shall be calculated from the invoice due date. Payment thereafter shall first be applied to accrued interest and then to the unpaid principal.

Collection Costs. If the Client fails to make payments when due and the Consultant incurs any costs in order to collect overdue sums from the Client, the Client agrees that all such collection costs incurred shall immediately become due and payable to the Consultant. Collection costs shall include, without limitation, legal fees, and expenses, court costs, collection bonds and reasonable Consultant staff costs at standard billing rates for the Consultant's time spent in efforts to collect. This obligation of the Client to pay the Consultant's collection costs shall survive the term of this agreement or any earlier termination by either party.

Set-offs, Backcharges, Discounts. Payment of invoices shall not be subject to any discount or set-offs by the Client, unless agreed to in writing by the Consultant. Payment to the Consultant for services rendered and expenses incurred shall be due and payable regardless of any subsequent suspension or termination of this Agreement by either party.

In witness thereof, the parties hereto have accepted, made and executed this agreement upon the terms, conditions and provisions above stated, the day and year first above written.

Consultant:	By _____	Client:	By _____
	Signature		Signature
Name:	<u>Daniel E. Jauregui</u>	Name:	<u>Marissa Trejo</u>
	For: Tri City Engineering		For: City of Coalinga
Title:	<u>President</u>	Title:	<u>City Manager</u>
Address:	<u>4630 W Jennifer Ave #101</u>	Address:	<u>155 W. Durian Ave</u>
	<u>Fresno, CA 93722</u>		<u>Coalinga, CA 93210</u>



## PROFESSIONAL SERVICES WORK ORDER

This agreement entered into the \_\_\_\_\_ day of \_\_\_\_\_, 20 17 between City of Coalinga (hereinafter called the Client) and the Consultant Tri City Engineering (hereinafter called Consultant) for services in connection with the following project: Cycle II ATP Project – Sidewalk Gap Closure. The Client and Consultant's rights, duties, and obligations hereunder will be performed in accordance with the terms and conditions of the Agreement for Professional Services between Client and Consultant dated September 2, 2014 which is fully incorporated herein by reference.

I. Scope of Services. The Consultant's services will consist of the following:

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- Labor Compliance: Perform labor compliance task, including verifying Certified Payrolls, Subcontractor Utilization and Labor Interviews.
- Progress Reports: Review daily progress reports addressing progress of the work, the project schedule to include City Public Works Inspectors provided daily photographs documenting the progress of the work.
- Contract Change Orders: Prepare Change Orders in compliance with the plans and specifications for City of Coalinga approval.
- Progress Payments: Review contractor's initial schedule of values, Reconcile and document items of work in compliance with the plans and specifications; Review monthly progress payments for compliance with Federal funding and City of Coalinga funding procedures for City approval. Maintain Federal Funding reporting compliance in accordance with Caltrans Local Assistance Program Guidelines.
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II. Additional Services. Any services not specifically provided for under Section I above shall be Additional Services. Only if mutually agreed to in writing by client or consultant shall consultant perform such additional services.

III. Consultant's Compensation. In consideration for Consultant providing the services noted above, the Client agrees to compensate the Consultant as follows:

**\$40,000.00**

Retainer. The Client shall make an initial payment of -0- dollars (\$0.00) (retainer) upon execution of this Agreement. This retainer shall be held by the Consultant and applied against final invoices.

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Collection Costs. If the Client fails to make payments when due and the Consultant incurs any costs in order to collect overdue sums from the Client, the Client agrees that all such collection costs incurred shall immediately become due and payable to the Consultant. Collection costs shall include, without limitation, legal fees, and expenses, court costs, collection bonds and reasonable Consultant staff costs at standard billing rates for the Consultant's time spent in efforts to collect. This obligation of the Client to pay the Consultant's collection costs shall survive the term of this agreement or any earlier termination by either party.

Set-offs, Backcharges, Discounts. Payment of invoices shall not be subject to any discount or set-offs by the Client, unless agreed to in writing by the Consultant. Payment to the Consultant for services rendered and expenses incurred shall be due and payable regardless of any subsequent suspension or termination of this Agreement by either party.

In witness thereof, the parties hereto have accepted, made and executed this agreement upon the terms, conditions and provisions above stated, the day and year first above written.

Consultant:	By _____ Signature	Client:	By _____ Signature
Name:	<u>Daniel E. Jauregui</u> For: Tri City Engineering	Name:	<u>Marissa Trejo</u> For: City of Coalinga
Title:	<u>President</u>	Title:	<u>City Manager</u>
Address:	<u>4630 W Jennifer Ave #101</u> <u>Fresno, CA 93722</u>	Address:	<u>155 W. Durian Ave</u> <u>Coalinga, CA 93210</u>

# **STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY**

**Subject:** Approval to Purchase a Vacuum Jet-Rodder Truck and attachments for Use by the Public Works Department  
**Meeting Date:** September 7, 2017  
**From:** Marissa Trejo, City Manager  
**Prepared by:** Pete Preciado, Public Works & Utilities Director

---

## **I. RECOMMENDATION:**

Approval to purchase a Vacuum Jet-Rodder Truck and attachments for use by the Public Works Department.

## **II. BACKGROUND:**

The new vacuum jet-rodder truck replaces a 14 year old vacuum truck. The current vacuum jet-rodder truck will remain in the fleet as a back-up truck.

An example of a few of the things the new Vacuum truck will be used for will be:

- Clean and maintain storm drain system including drain inlets and piping;
- Pot holing city utilities to locate and identify sizes and types of pipe;
- Help in the repair of water leaks and gas leaks;
- Clean valve boxes;
- Maintain and clean sewer system including lift stations, manholes and mains;
- Clean street stripping thermoplastics;
- Help maintain the water and wastewater treatment plants as needed; etc.

## **III. DISCUSSION:**

Staff requested bids from area dealers, two (2) were received. Along with the bids, each bidder was required to bring out a demo truck for a closer “hands on” inspection.

After reviewing all information, specifications and demonstrations, our recommendation is to purchase the Vac-Con vacuum jet-rodder truck from Municipal Maintenance Equipment for the price of \$292,345.28, and provide for a cleaning nozzle upgrade and hand tools allowance of \$7,600.00 for a combined total of \$299,945.28. This is \$30,054.72 under the approved budget.

## **IV. ALTERNATIVES:**

Do not purchase the Vacuum jet-rodder truck at this time. The purchase price is not expected to lower after the new year.

## **V. FISCAL IMPACT:**

The cost for the truck was included in the approved 2017-2018 budget. The costs are shared over three Funds and are as follows:

Water Distribution – 501-508-9804 = \$110,000;

Sewer Collection – 503-521-9804 = \$110,000;

Natural Gas Distribution – 502-510-9804 = \$110,000

**ATTACHMENTS:**

File Name	Description
☐ Haaker_Equipment_Company.pdf	Haaker Equipment Company
☐ Municipal_Maintenance_Equipment.pdf	Municipal Maintenance Equipment

# HAAKER

## EQUIPMENT COMPANY

2070 North White Avenue, La Verne, California 91750  
(909) 598-2706 ~ FAX (909) 598-1427 ~ haaker.com

### PROPOSAL

August 8, 2017

**TO:** COALINGA, CITY OF  
185 W. Gale Avenue  
Coalinga CA 93210

**ATTN:** Mr. Jim Schumacher  
559-934-1231  
Email: jims@coalinga.co.

In accordance with your request, we are pleased to submit the following proposal for your consideration.

### **ONE (1) VACTOR 2103 CATCH BASIN CLEANER**

3 Cubic Yard Capacity Catch Basin Cleaner and Sewer Cleaner mounted on new 2018 International 4300 SBA, 280 HP Chassis with Cummins ISL 260 HP Engine, Allison 3500 RDS Automatic Transmission. Complete with All Standard Equipment and the Following Equipment:

#### **STANDARD FEATURES**

- Roots Blower 616 RCS
- Mud Flaps
- Color Coded Sealed Electrical System
- Blower Air Shift Controls
- Remote Pendant Control w/35' Cord
- Double Acting Dump Hoist Cylinder
- Ex-Ten Steel Cylindrical Debris Tank
- Water Level Sight Gauge
- Hydraulic Rear Door Locks
- Multi-Flow Water System
- Accumulator for Rodder Pump
- 4' Hydraulic Extendable Boom w/120 Deg. Rotation
- Vacuum Relief (Kunkle Valves)
- 6" Air Operated Vacuum Relief
- 3" Y-Strainer at Water Pump Inlet
- 40 GPM @ 2500 PSI Water System
- 36 x 18 x 18 Toolbox Mounted Curbside
- Stainless Steel Float Balls Shut-Off
- Rotating Hose Reel 3/4" x 500' Capacity, 120 Deg. Rotation
- Hose Reel Hydraulic Tilt Function, Power Up
- Electronic Back-Up Alarm
- Hose Footage Counter - Mechanical
- Vacuum Pipe Package - 6"
- Emergency Flare Kit
- Fire Extinguisher 5 Lbs.
- Pump off Ports Only
- 4" Butterfly Decant Valve Rear Door Mounted
- Rear Door Splash Shield
- Dual Roller Hose Level Wind Guide
- Low Water Alarm W/Light
- Handgun Hose Reel w/Spring Retract
- Front Joystick Boom Control
- Tow Hooks, Front
- Tow Hooks, Rear
- Hydraulic Tank Shutoff Valves
- Vactor Manual, Partial Manual and USB Version - 1 + Dealer

#### **ADDITIONAL FEATURES INCLUDED**

- Module Paint, Dupont Imron Elite - Sanded Primer Base
- Folding Pipe Rack, Curbside
- Folding Pipe Rack, Streetside
- Debris Body Flush Out System
- Debris Body Load Limit Alarm functionally tied to Vacuum Relief

- Hot Shift Blower Drive
- Lube Manifold
- Plastic Lube Chart
- Hand Light w/Bumper Plug
- Rodder Pump Drain Valves
- Camera System, Front and Rear
- Door Stripe Material, Reflective Tape
- Nozzle Storage Rack
- 1" Water Relief Valve
- LED Lights Clearance, Stop, Turn, Tail
- Safety Cone Racks / 2

- Assorted Nozzles
- Hydro Excavation Kit/Retract Reel w/ 3/8" x 50' Hose and Nozzle
- Worklight – Operators Station
- Worklight – Extendable Boom/2
- Worklight – Rear Door/2
- (1) 6"x3' Aluminum Vac Tube
- (1) 6" x 7'6" Aluminum Vac Tube
- Whelen LED Light Package
- Toolbox behind Cab

Unit Price .....\$ 272,281.00  
 Sales Tax (7.975%).....\$ 21,714.40

**TOTAL PRICE F.O.B., COALINGA, CA.: \$ 293,995.40**

THE PROPERTY HEREIN IS GUARANTEED BY MANUFACTURER'S WARRANTY ONLY AND SELLER MAKES NO WARRANTY EXPRESSED OR IMPLIED, OF MERCHANTABILITY OR OTHERWISE, OR OF FITNESS FOR ANY PARTICULAR PURPOSE, THAT EXTENDS BEYOND THE ABOVE DESCRIPTION OF THE EQUIPMENT.

**NOTE:** Price is good until 60 Days. Cost increases due to the addition of Government mandated safety or environmental devices incurred after the date of this proposal, will be charged to you at our cost. Proof of such costs, if any, will be documented.

**TAXES:** SALES TAX applicable at time of delivery will be shown on our invoice. FEDERAL EXCISE TAXES, if applicable, will require payment unless a properly executed Exemption Certificate is submitted.

**DELIVERY:** Approx. 300-330 Days **TERMS:** Net 30

We appreciate the opportunity to present this proposal and look forward to being of further and continued service.

**HAAKER EQUIPMENT COMPANY** **ACCEPTED BY:** \_\_\_\_\_

BY: David Kane DATE: \_\_\_\_\_  
 DAVID KANE  
 Sales Representative



2360 Harvard Street • Sacramento, CA 95815 • (916) 922-1101 • Fax: (916) 922-1034  
1913 Nancita Circle • Placentia, CA 92870 • (714) 528-8770 • Fax: (714) 528-8744  
4750 Caterpillar Rd., Unit D • Redding, CA 96003 • (530) 243-4856 • Fax: (530) 243-1447  
1930 W. Winton Ave., Suite 8 • Hayward, CA 94545 • (510) 670-0230 • Fax: (510) 670-9003  
www.source-mme.com • California State Contractor's License #980409 • DIR 1000004282

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August 24, 2017

City of Coalinga  
155 W. Durian Avenue  
Coalinga, CA 93210

Tel: 559-934-0422  
jims@coalinga.com

Attention: Jim Schumacher, Assistant Field Services Manager

We are pleased to provide the following quotation on the Vac-Con Combination Sewer and Storm Drain Cleaner for your review.

One (1) Each Vac-Con Model V230SHA/500 complete with the following standard features:

- 2-Stage Centrifugal Compressor (135" Water / 8000 CFM)
- Hydrostatic Blower Drive
- 3/16" 3.5 Yard Corten Steel Debris Tank – 5 Year Warranty
- Full Opening Rear Door with Mechanical Rear Door Locks
- 10 Ft. Layflat Hose
- Debris Tank Dumping: Minimum 50 Degree, Hydraulic Lift
- 500 Gallons Capacity Polyethylene Water Tank – 5 Year Warranty
- 6" Vacuum Intake Hose
- Boom Travel Tie Down
- 6 Ft. Telescopic Boom
- 400 Ft. Capacity (3/4") Front Mounted / Swiveling Hose Reel
- Hose Rewind Guide
- Hose Guide (Tiger Tail)
- 30" Leader Hose
- 600 psi Wash Down Hand Gun with 25 Ft. of Hose and Nozzle
- Sealed and Locking Tool Box
- (1) Each Sanitary and Penetrator Nozzles
- 20.5 Ft. Aluminum Intake Pipe (1-3', 1-5', 1-6', and 1-6.5' nozzle)
- (1) 16" x 13" x 72" Tool Box
- ICC Lighting
- 5# Fire Extinguisher
- Set of Triangles
- 12 Month Standard Warranty

August 24, 2017  
City of Coalinga  
Vac-Con Model V230SHA/500 Quotation  
Page 2

**Main Information:**

- Boom: Telescopic, 8" Intake System, Optional (in Lieu of 6")
- Hose Reel: Front Mounted Swivel Hose Reel
- Jet Rodder Hose: 600' x 3/4" Jet Rodder Hose
- Water System: 0-30 GPM / 3000 PSI – 3/4" Hose
- Water Pump: Giant

**Debris Body Options:**

- 6" Knife Valve with Center Post and Handle, in lieu of the 5" Butterfly Valve
- Automatic Vacuum Breaker
- Hydraulic Rear Door Locks
- Rear Splash Guard (2-10 O'clock) – Tank Mounted
- Rubber Pad on Standard Deflector

**Water System Options:**

- 2 1/2" Water Drain Gate Valve Assembly
- 50' Capacity Retractable Hand Gun Hose Reel
- Debris Body "Power Flush" System, 8 Jets
- Gate Valve at Water Pump Inlet
- Hydro-Excavation Package Includes: 50' Retractable Handgun Hose Reel with 50' of 1/2" High Pressure Hose, HP/Quick Disconnect, Heavy Duty HP Unloader Valve, Main Control Ball Valve, 72" x 1/2" Schedule 80 Lance with Quick Disconnect, Single Forward Spray Nozzle and Horizontal Handle
- Variable Flow Valve
- Water Pump Remote Oil Drain

**Hose Reel Options:**

- Aluminum Dual Roller Level Wind Guide
- Digital Electronic Footage Counter

**Misc. Machine Options:**

- Centrifugal Compressor Quiet Silencer, Class 4, 304 Stainless Steel Construction, 14 In. x 40 In. with 8" Discharge
- (2) Cone Storage Racks – Mounted Rear of Frame
- Heavy Reinforced Elbow "Wear Back"
- Long Handle Storage / PVC (2) – Mounted in Storage Box Under Shelf
- Remote Boom Grease Zerk Assembly (Ground Level – Includes Water Pump Drive)



Lighting Options:

- LED Hand Held Spotlight
- LED 4 Strobes – (2) Front Bumper / (2) Rear Bumper – Whelen 50A03ZCR - Amber
- LED Arrow Stick – Whelen TAM85 Traffic Advisor
- LED Boom Mounted Flood Lights with Limb Guard – Whelen NP6BB Worklight
- LED Rear Mounted Flood Lights with Limb Guard – Whelen NP6BB Worklight
- (2) LED Strobes with Limb Guard, Rear Debris Tank Mounted – Whelen L21HAP LED Beacon with Whelen BGH Branch Guard
- (2) Mirror Mounted LED Beacon/Strobes Lights with Limb Guard – Whelen L21HAP LED Beacon with Whelen BGH Branch

Electrical Options:

- Rear Traffic Camera with Color Monitor

Misc. Accessories:

- 4" by 6' Catch Basin Nozzle Female Cam Lock
- 6" Flange to 4" Cam Lock Reducer
- Tachometer at Front Hose Reel "Top"

Spare Nozzle

- 3/4" 30 GPM Grenade Nozzle

Tool / Storage Box:

- 16" x 42" x 48" Steel Storage Box (Driver's Side Behind Cab)

Vacuum Tubing:

- 6" Quick Clamp
- 8" Flange to 6" Sleeve Adapter 800-0351
- 8" Quick Clamp, Additional 680-0015

Paint

- DuPont Elite Omaha Orange with Standard White Striping Package

Mounted on a new 2018 Freightliner 108SD 4x2 truck chassis complete with the following features:

- Cummins 6.7L Engine
- Allison 2100RDS Automatic Transmission
- 26,000 GVWR
- Driver's and Passenger's Side High Back Air Suspension Seats
- Air Conditioning
- AM/FM
- Painted White

August 24, 2017  
City of Coalinga  
Vac-Con Model V230SHA/500 Quotation  
Page 4

Price F.O.B. Coalinga, CA	\$294,507.00
Special Discount	- <u>23,754.25</u>
Sub-Total	\$270,752.75
7.975% Sales Tax	<u>21,592.53</u>
Total	\$292,345.28

If the City desires the Rear Boom Assembly (CCSF Style) **ADD** \$ 7,500.00 plus Sales Tax

- Optional item does not include sales tax.
- Quotation includes delivery and on-site training.
- Normal delivery 90-120 days A.R.O., depending on truck chassis availability.
- Terms: Net 30
- Quotation valid for 30 days.

Thank you for your interest in this fine product line. Should you have any questions or need additional information, please let us know. We look forward to being of service.

Sincerely,  
Municipal Maintenance Equipment, Inc.



Tim Powers,  
General Sales Manager

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE  
AUTHORITY**

**Subject:** Rejection of All Bids for the Wastewater Treatment Plant (WWTP)  
Headworks/Clarifier Project

**Meeting Date:** September 7, 2017

**From:** Marissa Trejo, City Manager

**Prepared by:** Pete Preciado, Public Works & Utilities Director

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**I. RECOMMENDATION:**

It is recommended that the Coalinga City Council:

Reject all bids for the project

**II. BACKGROUND:**

On November 3, 2016, the Coalinga City Council directed staff to prepare engineering plans and specifications and authorized a call for bids for the WWTP Headworks/Clarifier Project. The work includes the construction of a new influent junction box, a new headworks, including metering structure, mechanical screening with isolation gates, a bypass channel with isolation gates, existing primary clarifier repairs, associated piping, new manholes, new fencing, grading, new gravel replacement, AC pavement, instrumentation, and electrical system improvements

**III. DISCUSSION:**

City Staff received and opened three bids for this project on August 1, 2017, at 10:00 a.m. Specialty Construction Inc., was the apparent low bidder with a total bid proposal of \$2,551,420.00. The Engineer's Estimate was \$1,545,000.00 which makes the low bid approximately 60% over the available funding.

<b>Contractor</b>	<b>Bid Amount</b>
Specialty Construction Inc.	\$2,551,420.00
Floyd Johnston Construction	\$2,573,780.00
Bush Construction	\$2,894,762.00

Therefore, City Staff is recommending the rejection of all bids, and the re-scoping of the project to provide a better financially viable project.

**IV. ALTERNATIVES:**

Reject all bids.

**V. FISCAL IMPACT:**

None.

ATTACHMENTS:

File Name

Description

No Attachments Available

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE  
AUTHORITY**

**Subject:** Economic Development Coordinator Monthly Report-August 2017  
**Meeting Date:** September 7, 2017  
**From:** Marissa Trejo  
**Prepared by:** Edith Sanchez, Economic Development Coordinator

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**I. RECOMMENDATION:**

Economic Development Report from August 2017.

**II. BACKGROUND:**

**III. DISCUSSION:**

**IV. ALTERNATIVES:**

**V. FISCAL IMPACT:**

**ATTACHMENTS:**

	File Name	Description
□	August_Monthly_Report.pdf	August Monthly Report



**ECONOMIC DEVELOPMENT COORDINATOR**

**PHONE (559) 935-1533 X114    FAX (559) 935-5912    EMAIL: [ESANCHEZ@COALINGA.COM](mailto:ESANCHEZ@COALINGA.COM)**

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**TO:            HONORABLE MAYOR AND COUNCIL**  
**FROM:        EDITH SANCHEZ, ECONOMIC DEVELOPMENT COORDINATOR**  
**SUBJECT:     AUGUST 2017 MONTHLY REPORT**  
**DATE:        SEPTEMBER 7, 2017**

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**MEMORANDUM**

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Honorable Mayor and Council,

National Night Out was a great success and I want to say that we couldn't have done it without everyone's help and support. We will continue this event throughout the years to come. My self and Marissa delivered thank you cards to everyone that sponsored our event and also to everyone that had a booth there.

On August 7<sup>th</sup> 2017, I had a meeting with T1 Sports Academy. City Manager Marissa Trejo, Liza Gonzalez from CHRPD and Scott Yeager from CHUSD attended this meeting with me. What they wanted to do was to work with the school district and parks and recreation to build some sort of youth center. They also wanted to know if the City of Coalinga had any property available so that they are able to either build something from the ground up or restore an area that needs improvements. T1 Sports Academy is a non-profit organization whose mission is to mentor, train and equip our youth students athletes to provide them a foundation support system that yields brotherhood, accountability and ownership of their own actions and decisions. At this point, we are still wanting to work with them but believe that they have a better chance partnering with CHRPD and CHUSD since they have all the sports leagues.

I continue working on 148 W. Elm where Thrive Ministries is already settling down and getting the building ready to open very soon. We have finally signed the lease with them and they will soon be having services. I also attended the Leagues of California Cities meeting in Fresno with Marissa and Council women Stolz. I have been helping out with the Farmers Market every Wednesday.

I also been visiting local businesses around town that have been in danger of closing due to either financial issues, owner retiring or family issues. Talking to them and asking them if there

is anything that we can do to help them resource wise. Notifying EDC about their situation and seeing if there is any incentives that can help this businesses to stay open.

I have also been working with businesses that are willing to come to Coalinga and people who are willing to open a restaurant here as well. I will be meeting with the owner of Sweet Palette Bakery on August 30<sup>th</sup>, 2017 to talk about some of the buildings that are available for him to be able to run his business here in Coalinga.

I have also been attempting to connect with the owner of Locals only, a smoothie shop in Hanford mall, who expressed interest in opening in Coalinga.

Additionally, I have been in contact with an individual interested in opening a Mexican Seafood restaurant as well as an individual who will be opening a BBQ Restaurant around October.

I know everyone has been asking about the Food Truck event now that the farmers market has ended. I have started contacting the food truck vendors to see if they are interested in participating in our Food Truck Invasion that we are planning to start hopefully on Wednesday September 13<sup>th</sup>, 2017 from 6pm to 10pm. If this is successful it will continue throughout the rest of the year. To date, I have not had any vendors register as they are concerned with distance.

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE  
AUTHORITY**

**Subject:** Fire Department Report - June  
**Meeting Date:**  
**From:** Marissa Trejo, City Manager  
**Prepared by:** Dwayne Gabriel, Fire Chief

---

**I. RECOMMENDATION:**

**II. BACKGROUND:**

**III. DISCUSSION:**

**STATISTICS FOR JUNE**

Fires		Total 7
Structure	1	
Vehicle	0	
Vegetation	6	
Rubbish	0	
Other	0	
Emergency Medical Service		Total 161
EMS Incidents		156
Medical Assist	1	
Standby	4	
Hazardous Condition		Total 3
Service Calls		Total 2
Good Intent		Total 24
Cancelled Calls	21	
Controlled Burning	2	
Wrong Location/No Emergency	0	
Steam or dust mistaken for smoke	1	
HazMat Release Investigation w/ no Haz Mat	0	
False Alarms		Total 7
Total Responses		205



## **STAFFING**

Our staffing remains at our minimum staffing of 6 per shift. Pleasant Valley Prison Fire Department has gotten their staffing to a level they are able to respond outside prison grounds, and are responding with us on fires for the first time in a few years.

## **EVENT PARTICIPATION**

Engine and Ambulance participated in Farmer's Market on June 14.

## **AUTOMATIC AID**

We provided Fresno County Fire Protection District and CALFIRE Automatic aid on four vegetation fires. E171 responded to the Creek Fire on June 24<sup>th</sup>. Unit was committed for approximately 3 hours.

## **COMMITTED STANDBY**

Ambulance was requested for standby on the Creek Fire in Los Gatos Canyon. Unit was committed for 4 days (June 24<sup>th</sup> thru June 27<sup>th</sup>).

## **PREVENTION**

Conducted two business inspections, and five firework stands.

## **IV. ALTERNATIVES:**

## **V. FISCAL IMPACT:**

### **ATTACHMENTS:**

File Name

Description

No Attachments Available

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE  
AUTHORITY**

**Subject:** Fire Department Report - July  
**Meeting Date:** September 7, 2017  
**From:** Marissa Trejo, City Manager  
**Prepared by:** Dwayne Gabriel, Fire Chief

---

**I. RECOMMENDATION:**

**II. BACKGROUND:**

**III. DISCUSSION:**

**STATISTICS FOR JULY**

Fires		Total 8
Structure	1	
Vehicle	0	
Vegetation	7	
Rubbish	0	
Other	0	
Emergency Medical Service		Total 175
EMS Incidents		172
Medical Assist	0	
Standby	3	
Hazardous Condition		Total 0
Service Calls		Total 3
Good Intent		Total 24
Cancelled Calls	13	
Controlled Burning	0	
Wrong Location/No Emergency	2	
Steam or dust mistaken for smoke	0	
HazMat Release Investigation w/ no Haz Mat	0	
False Alarms		Total 5
Total Responses		206

## **STAFFING**

Our staffing remains at our minimum staffing of 6 per shift. Pleasant Valley Prison Fire Department has gotten their staffing to a level they are able to respond outside prison grounds, and are responding with us on fires for the first time in a few years.

## **AUTOMATIC AID**

We provided Fresno County Fire Protection District and CALFIRE Automatic aid on five vegetation fires.

## **COMMITTED STANDBY**

Ambulance was requested for standby on the Derrick Fire in Los Gatos Canyon. Unit was committed for 1 day (June 30<sup>th</sup>).

Ambulance was called to standby for the Garza Fire in Tar Canyon. Unit was committed 8 days. Ambulance was then reassigned to the Park Fire on Parkfield Road. Unit was committed an additional 5 days.

## **PREVENTION**

Conducted two sprinkler plan checks, and one fire alarm plan check.

## **IV. ALTERNATIVES:**

## **V. FISCAL IMPACT:**

### **ATTACHMENTS:**

File Name

Description

No Attachments Available

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE  
AUTHORITY**

**Subject:** Public Works & Utilities Monthly Report for August 2017  
**Meeting Date:** September 7, 2017  
**From:** Marissa Trejo, City Manager  
**Prepared by:** Pete Preciado, Public Works & Utilities Director

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**I. RECOMMENDATION:**

Accept the Public Works & Utilities Monthly Report for August 2017.

**II. BACKGROUND:**

None

**III. DISCUSSION:**

None

**IV. ALTERNATIVES:**

None

**V. FISCAL IMPACT:**

None

**ATTACHMENTS:**

	File Name	Description
□	PW_Monthly_Report_Aug_17.pdf	PW Monthly Report Aug 17



## PUBLIC WORKS AND UTILITIES DEPARTMENT MONTHLY REPORT

Department goals for 2017

- All tree stumps throughout town removed from the public right of way. 149 stumps total. Goal accomplished
- 20 Sidewalks damaged by tree stumps repaired. Over 50% complete.
- Derrick reservoir bypass project completed.
- Jayne water main loop extension completed.
- Wastewater plant weeds, plants and trees removed from the treatment ponds. Goal accomplished
- All pumps at the water plant repaired and fully operational. Over **75%** complete
- All basins at the water plant cleaned and back in service. Goal accomplished
- Oil King reservoir water telemetry line repaired. Goal accomplished.

**\*Note: New items and updates from last month's report are in bold print.**

### PUBLIC WORKS

#### Natural Gas Distribution:

No planned capital improvements are scheduled for the Natural gas system this year, however all gas meters located in the Juniper Ridge subdivision will have radio read transmitters installed to speed meter reading and eliminate reading errors. All transmitters have been installed in the Juniper Ridge sub-division.

#### Streets:

Projects – Current - Alley paving (15 blocks). Paving dirt alleys between Polk and Adams, west of Sunset. Project is complete however one item remains regarding a resident and damage to a driveway. The resident's driveway has been repaired. Finalizing project documents with Contractor.

Phelps Ave Improvements. Beginning fall/winter 2017. Project construction pushed to 2018 due to West Hills CC schedule change.

Pavement maintenance program is **currently being designed and will be out to bid within the next week with plans to award at the second council meeting in September.** This project will include applying a surface seal (slurry or cape seal) on various street within the city.

## Quarterly water main flushing

Public Works is in the planning stage to begin a City wide water main flushing program. Anytime there are “dead ends” in the water piping system there is a risk that the water will become stagnant since no water pipe loop is present to keep the water moving to where it is needed. These dead ends if left too long may result in water that is discolored or has a chlorine smell and taste. Although the water is safe to drink, it will be aesthetically unappealing due to color and odor issues. Eventually this water will become unsafe to drink as the residual chlorine level in the water begins to drop.

The Public will be notified before the line flushing begins via newspaper, social media, community pride sign and utility bill flyer of the water main flushing. Line flushing also involves the exercising of valves that have not been used in a long time. This will result in discoloration of the water and residents may need to open a faucet for up to 30 minutes in some cases to clear up the water. The water is safe to drink but should be allowed to run for a while to remove the discoloration.

Although the perception may exist that line flushing is a waste of water it is a necessary step to ensure that water delivered to the residents, but not immediately consumed, remains safe to drink.

**Scheduled line flushing has been delayed due to recent fires and ongoing canal maintenance for pond weeds by Westlands Water District.**

## UTILITIES

### Water Treatment Plant (WTP)

**Overall, the plant condition is fair. Some pump redundancy is lost but most pumps are operational or currently being repaired. Deferred maintenance, which had been excessive, is now gone.**

The 2016 Consumer Confidence Report has been completed and is available on the City web site for viewing.

Code 3 has conducted a walk around at the Water Treatment Plant and is providing us with a quote for the installation of security cameras.

We have met with Jose Robledo, the new State District Engineer for the Water Treatment Plant. He is on board with the repairs and projects that are scheduled for our system and has granted an extension for compliance with the Cross Connection Control Program. **One Water Operator is now certified for Backflow inspections and repairs.** The City has been informed that a full inspection of the Water Treatment Plant will be conducted soon by the State.

**The hypochlorite generator has been repaired.** This is the equipment that creates chlorine for the finished water by means of electricity and salt solution.

**The air scour blower for the filter backwash system was repaired by water plant operators.**

The Cla-Val for the effluent pump line is on hand and awaiting installation. The plug valve has been delivered. We will install both valves when it is prudent to shut the plant down for a day. These two valves prevent the water main between the plant and Palmer reservoir from becoming over-pressurized and rupturing.

## Pumps:

Raw water intake pumps – These five pumps (P-1 to P-5) draw water from the Coalinga aqueduct and deliver the “raw water” to the WTP. Pump P-4 is out of service. P-4 failed over three years ago and needs the motor rewound. P-4 removed and sent out for repair. Repair shop notified that repair of P-4 was approved by Council.

P-1	P-2	P-3	P-4	P-5
○	○	○	∅	○

Filter Backwash Pumps – These two pumps provide the water used to clean the water filters when they become clogged. P-7 operates normally. P-6 has been repaired and installed. A replacement pressure switch is on order for the valve of P-6 and then the pump will be operational.

P-6	P-7
∅	○

Effluent Pumps – These five large pumps transfer the water from the WTP to the Palmer storage tank and the rest of the water supply system for the City. Pumps P-13 (bearing issues) and P-14 (electrical issues) are out of service. These pumps failed over three years ago.

P-16	P-15	P-14	P-13	P-12
○	○	∅	∅	○

**P-13** – Pump removed and sent out for repair. Estimated cost of repair is \$33,125. Council approval to repair will be an agenda item at the July meeting (along with approval to repair P-6 and P-4). **Repair of P-13 is complete and pump will be installed in September.**

**P-14** - Pump is partially functional. Has a capacitor on order to improve power more efficiently. Pump is operational but not as energy efficient as it should be. Awaiting quote for replacement capacitor.

## WATER MAIN

This project will install two miles of 12” water main along Jayne Avenue. **Project is currently under construction. Anticipate project completion at the end of October pending there are no weather delays or unforeseen circumstances. During working hours one lane of Jayne Avenue is closed with flaggers directing traffic.**

## WASTEWATER TREATMENT PLANT (WWTP)

The overall status of the plant is poor. Of primary concern is the Headworks and Primary Clarifier.

### Headworks:

The function of the headworks is to remove large debris, such as rags, from the wastewater as well as grit (gravel and small rocks mostly). The current headworks essentially removes no grit and the bar screen is worn and fails often. The headworks will need to be replaced due to its inability to slow down the wastewater flow to let grit settle out and be collected in a grit chamber. The amount of grit entering



the plant is excessive. Grit wears down all mechanical parts, especially pumps, and takes up a large portion of the treatment capacity of the primary clarifier, and aerobic digester. Small hills of grit have been removed from the plant facilities.

#### **Primary Clarifier:**

The function of the primary clarifier is to slow down and hold the wastewater long enough for anything that will float or sink out of the water to do so. Then mechanical arms collect and remove this debris from the bottom and top of the wastewater. The primary clarifier is heavily corroded to the point one of the mechanical arms has broken off and the efficiency of the primary clarifier has dropped to the point that the WWTP failed to meet its monthly waste discharge requirements (operating permit) during the month of August 2016. The WWTP failed to meet its discharge permit requirements during the months of October and November as well.

**Project bid opening was held on August 1, 2017. Three contractors bid the project and all came in substantially over the engineer's cost estimate. The City plans to reject all bids and move in a different direction regarding the operation of the plant. Staff is researching the feasibility of a ponds only wastewater treatment plant thus only needing a headworks and the existing clarifier may be taken out of service.**

#### **Drying beds:**

The wet well that collects the liquid from the drying beds should have two submersible pumps but one is missing. This back up pump has been missing for as long as any of the operators can recall. Replacing the missing pump will be added to next year's budget.

#### **Other items at Wastewater Plant:**

Freeboard water level markers for each pond (metal markers with feet and inches marked) are being created by City staff for each treatment pond and planned installation in the next two weeks. This project was delayed due to all effort focused on weed removal from pond. Water treatment process is improving as weeds are removed. **Level markers rescheduled to be installed in September.**

Pond 2 is being taken out of service/drained for sludge removal.

Primary effluent pump is scheduled for removal on May 25, 2017. Pump will be evaluated and most likely replaced due to excessive wear. Evaluation of secondary effluent pump will then follow. It too will most likely need to be replaced due to excessive wear. Primary effluent pump was removed and we are waiting for a quote for repairs.

## **CITY ENGINEER**

#### **Project Status Update as of June 27, 2017:**

1. Cambridge Signalization
  - a. Plans submitted to Caltrans and waiting on comments. Caltrans returned comments and those are being addressed. Once completed plans will be resubmitted to Caltrans.
  - b. Once plans have been approved by Caltrans process for right of way dedication will begin.
  - c. Project Funding for construction was reprogrammed by Fresno Council of Governments into FY 18/19 which begins Oct. 1<sup>st</sup> 2017.
  - d. Construction anticipated in **summer 2018 while school is out.**



2. Rule 20A Undergrounding
  - a. City Engineer working with PG&E to underground overhead utilities on Elm Avenue from Cambridge Avenue to just south of Cherry Lane.
  - b. Project moving along slowly and is still years away from construction.
3. Phelps Ave Improvements
  - a. Anticipate construction in Fall/Winter of 2017.
  - b. Plans to be submitted to Caltrans by end of July
  - c. **Project construction pushed to 2018 due to West Hills CC schedule change.**
4. ATP Cycle 2 – Sidewalk Gap Closure Construction
  - a. City awarded ATP Cycle 2 regional grant.
  - b. Design anticipated in Summer of 2017.
  - c. Construction anticipated in Fall/Winter of 2017.
5. CMAQ Alley Project
  - a. Project completed on January 27, 2017.
  - b. Punch list has been completed and working with Contractor to finalize contract documents.
6. ATP 2017 Cycle 3
  - a. City awarded ATP Cycle 3 regional grant.
  - b. Design and construction anticipated Fiscal Year 2019-2020 when funds are available.
7. Elm Fire Department Sidewalk Improvements
  - a. Project currently on hold due to issues with trees and new off-set sidewalk alignment.
8. Fire Department Parking Improvements
  - a. On hold due to funding.
9. RSTP - Forest/Truman from 1<sup>st</sup> to Elm
  - a. City awarded RSTP grant for project.
  - b. **Topographic survey of roadway currently underway and once completed design of project will begin.**
  - c. Anticipate design in 2017 and construction in 2018.
10. CMAQ - Paving of Various Alleys Ph. 3
  - a. City awarded CMAQ grant for project.
  - b. Anticipate design in 2017 and construction in 2018.
11. WWTP Primary Clarifier Project

- a. **Project bid opening was held on August 1, 2017. Three contractors bid the project and all came in substantially over the engineer's cost estimate. The City plans to reject all bids and move in a different direction regarding the operation of the plant.**
- 12. Jayne Avenue Water Main Loop
  - a. Project awarded to Bill Nelson GEC.
  - b. **Project is currently under construction. During working hours one lane of Jayne Avenue is closed with flaggers directing traffic.**
  - c. **Anticipate project completion at the end of October pending there are no weather delays or unforeseen circumstances.**
- 13. 2017 Pavement Maintenance Project
  - a. City Engineer working with Public Works to finalize streets/alleys to be included in project.
  - b. **Anticipate project going out to bid and award of project to be submitted to Council for approval in September.**

Respectfully Submitted

Pete Preciado, PE  
Public Works and Utilities Director

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE  
AUTHORITY**

**Subject:** Animal Control Report and Approval of Feral Cat Program  
**Meeting Date:** September 7th 2017  
**From:** Marissa Trejo, City Manager  
**Prepared by:** Michael Salvador, Chief of Police

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**I. RECOMMENDATION:**

Review and accept a report on the status of animal control in the City of Coalinga. Approve staff recommendation to initiate a feral cat program in the City of Coalinga.

**II. BACKGROUND:**

Animal control is performed by the Police Department. There is questions in the community on the level of service performed, its effectiveness, and cost. This report gives a comprehensive look at state animal control in Coalinga.

**III. DISCUSSION:**

The Police Department is constantly looking for opportunities to provide more effective service. There are options in this report that will assist in that goal to include a feral cat program. This item will have a power point program.

**IV. ALTERNATIVES:**

Do not approve the feral cat program, or change service level.

**V. FISCAL IMPACT:**

None at this time

**ATTACHMENTS:**

File Name

Description

No Attachments Available

# **STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY**

**Subject:** Introduce and Waive the First Reading of Ordinance No. 806 to allow for Minor Adjustments to the City's Development Standards.  
**Meeting Date:** September 7, 2017  
**From:** Marissa Trejo, City Manager  
**Prepared by:** Sean Brewer, Community Development Director

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## **I. RECOMMENDATION:**

Introduce and waive the first reading of Ordinance No. 806 to allow for minor adjustments to the City's development standards.

## **II. BACKGROUND:**

In 2013 the City of Coalinga completed a comprehensive update to the City's Planning and Zoning Code that established comprehensive development regulations for the City. Over the course of the last 3-4 years, staff has received several various requests such as lot line adjustments and parcel maps where applicants were denied due to minor issues in meeting the City's development standards such as setbacks of existing buildings, lot sizes and shapes, parking and fence heights. In most cases, they were denied based on a small variation in the application compared to the City's standard, where granting some sort of administrative relief would not be inconsistent with any goals or policies of the City as well as be materially detrimental to the public health, safety and welfare. This administrative relief would still maintain orderly development and neighborhood consistency but not stifle development.

The Planning Commission discussed the development of Ordinance No. 806 and on August 22, 2017, the Planning Commission held a duly noticed public hearing recommending approval of Ordinance No. 806 by the City Council.

## **III. DISCUSSION:**

The Minor Exception Ordinance is intended to provide a means of granting relief from the requirements of the City's Planning Regulations for minor exceptions from dimensional and design standards when strict application would preclude an effective design solution improving livability, operational efficiency, or appearance, and fulfilling the basic intent of the applicable regulation.

Ordinance No. 806 allows for a minor exception of fifteen (15%) percent as it relates to various design and site considerations such as distance buildings, projections, lot dimensions, setbacks, signs, required parking an dimensions, building height, code enforcement considerations and non-conformity. The ordinance also includes the imposition of conditions to ensure that the minor exception approvals would be in compliance with the findings. Any deviation beyond 15% would require the submission of an application for variance.

## **IV. ALTERNATIVES:**

Do not introduce and waive the first reading of Ordinance No. 806

**V. FISCAL IMPACT:**

None determined at this time other than a slight increase in application fees as it is anticipated that more projects will be able to be processed instead of being denied.

**ATTACHMENTS:**

File Name	Description
□ Ordinance_No._806_(Minor_Exceptions).docx	Ordinance No. 806

**ORDINANCE NO. 806**  
**MINOR EXCEPTIONS TO STANDARDS**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA  
AMENDING TITLE 9, CHAPTER 6, ARTICLE 7 OF THE CITY'S DEVELOPMENT  
CODE TO ADD A NEW SECTION 9-6.707 PERTAINING TO MINOR EXCEPTIONS

THE CITY COUNCIL OF THE CITY OF COALINGA DOES ORDAIN AS FOLLOWS:

**SECTION 1. AMEND HEADING OF ARTICLE 7 OF CHAPTER 6 OF TITLE 9**

Article 7. – Variances and Minor Exceptions.

**SECTION 2. ADOPTION OF SECTION 9-6.707**

Sec. 9-6.707 Minor Exceptions

(a) *Purpose.* This Section is intended to provide a means of granting relief from the requirements of these Planning Regulations for minor exceptions from dimensional and design standards when strict application would preclude an effective design solution improving livability, operational efficiency, or appearance, and fulfilling the basic intent of the applicable regulation.

(b) *Applicability.* When it is in the public interest, the Community Development Director may grant a minor exception up to a maximum of fifteen (15%) percent governing the measurable design/site considerations or other situations.

- (1). Distance Between Structures.
- (2). Projections.
- (3). Lot Dimensions.
- (4). Setbacks A decrease of the maximum required setback areas (e.g., front, rear, and side) for structures.
- (5). Sign Regulations (other than prohibited signs).
- (6). On-Site Parking, Loading and Landscaping.
- (7). Structure Heights.
- (8). Code Enforcement. A reduction in development standards, if doing so will help the City abate a public nuisance as part of a code enforcement hearing or process.
- (9). None Conforming Adjustments.

(c) *Findings.* The following findings shall be met before the Community Development Director approves a minor exception:

- (1). Would not exceed ten percent of the prescribed measurable standards.
- (2). No more than two exceptions shall be allowed on any lot.
- (3). Would not adversely affect any development or persons upon abutting property, with adversely affect to mean to impact in a substantial, negative manner the economic value, habitability, or enjoyment of properties.

- (4). Would not result in a hazard to pedestrian and/or vehicular traffic.
- (5). Would be reasonably necessary to the sound development of such property, or would result in better environmental quality of development of such property than without such exception.

(d) *Conditions.* In approving a Minor Exception, the applicable Review Authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the required findings as well as protect the public health and safety.

(e) *Variance Requirement.* Any modification request which exceeds the prescribed limitations outlined in this section shall require the filing of a variance application in accordance with Section 7-6.702.

(f) *Report to the Planning Commission.* No later than January 31st, the Community Development Director shall report to the planning commission a summary of the minor adjustments approved during the proceeding calendar year.

## SECTION 2. EFFECTIVE DATE; EXPIRATION OF URGENCY ORDINANCE 791.

This Ordinance shall take effect 30 days after its adoption.

## SECTION 6. PUBLICATION.

The City Clerk is directed to cause this ordinance or a summary of this ordinance to be published as required by state and local law.

The foregoing Ordinance was introduced by the City Council of the City of Coalinga, California, at a special scheduled meeting held on September 7, 2017, and was passed and adopted by the City Council at a regular meeting held on September 21, 2017, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

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Mayor  
City of Coalinga

ATTEST:

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City Clerk/Deputy City Clerk  
City of Coalinga

**STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE  
AUTHORITY**

**Subject:** Council Direction Regarding the Mayor's Attendance and Permission to Speak on Behalf of the Council at the State of Cannabis Conference in Long Beach on September 28th and 29th, 2017

**Meeting Date:** September 7, 2017

**From:** Marissa Trejo, City Manager

**Prepared by:** Marissa Trejo, City Manager

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**I. RECOMMENDATION:**

There is no recommendation. This item is being brought before you to inquire whether Council approves of the Mayor's attendance and permission to speak on behalf of the Council at the State of Cannabis Conference in Long Beach, California on September 28th and 29th, 2017.

**II. BACKGROUND:**

**III. DISCUSSION:**

Details of the Conference are attached.

**IV. ALTERNATIVES:**

**V. FISCAL IMPACT:**

The cost of the Conference tickets are between \$299.99 and \$500.00. The earlier the tickets are purchased the cheaper they are. Other attendance costs include mileage, meals and lodging which may be covered personally by the Mayor.

**ATTACHMENTS:**

File Name

Description

No Attachments Available